



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 *9/24/10*  
Marketing and Regulatory Programs Business Services

**SUBJECT:** APHIS Response to Horse Protection Review of Missouri Fox Trotting  
Horse Breed Association

On October 7, 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 Missouri Fox Trotting Horse Breed Association (MFTHBA) in Ava, 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  
J. Mann, MFTHBA, Ava, MO

# USDA

## Horse Protection Act Review of

Missouri Fox Trotting Horse Breeder Association  
Nixa, Missouri



**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 Missouri Fox Trotting Horse Breeder 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 Missouri Fox Trotting Horse Breeder Association (MFTHBA) 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 MFTHBA met its HIO responsibilities in fulfilling the Horse Protection Regulations and the Horse Protection Operating Plan (2007-2009). This review covers MFTHBA's activities for the year ending December 31, 2008.

## What RAB Found

RAB identified discrepancies between the penalty systems of MFTHBA's rulebook and Horse Protection Regulations. RAB determined that MFTHBA's penalty system was less stringent than that required by the Horse Protection Regulation.

RAB also discovered instances in which show reports were incomplete. These documents are used for completing a number of other records

that help ensure the Horse Protection Act is properly implemented. Partially filled out source documents resulted in incomplete records.

Another discrepancy identified 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 prior years, shows in which APHIS Veterinarian Medical Officers were present resulted in higher than average recorded violations.

## What RAB Recommends

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

- Revise its rulebook to comply with the penalty system of the Horse Protection Regulations; and
- Verify that all future event entry forms are complete and accurate.

Furthermore, RAB recommends APHIS Animal Care continue to work closely with MFTHBA 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.

# Introduction

## Objective

The objective of this review was to ensure all Missouri Fox Trotting Horse Breeder Association (MFTHBA) policies and procedures for the 2008 show season were in compliance with the Horse Protection Act 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. The 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.

MFTHBA has been an HIO member since 1981, and is organized under the nonprofit corporation laws of the State of Missouri. According to its corporate bylaws, MFTHBA's objectives are:

- to maintain registry records by collecting, recording and preserving the pedigrees of the Missouri Fox Trotting Horse, along with the breed's history;
- to develop and perpetuate suitable and proper standards for the Missouri Fox Trotting Horse while maintaining the integrity of the breed; and
- to promote the improvement, use, exhibition and enjoyment of the Missouri Fox Trotting Horse, together with all other matters necessary to further the interests of the breed.

MFTHBA 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, MFTHBA was responsible for horse inspections at 22 events.

# Review of MFTHBA

MFTHBA 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 MFTHBA 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. Program documentation confirmed that there were no circumstances that necessitated the need for letters of warning or conflict resolutions in 2008. Further, organizational information indicated that no changes were made to the MFTHBA Board or Directors.

## Penalty Procedures

MFTHBA's rule book includes penalty procedures for DQPs that fail to comply with HPA Regulations. According to the rule book, a first DQP offense will result in a letter of reprimand; a second offense will result in three month suspension of license; a third offense will result in a one year suspension of license; and a fourth offense will result in a lifetime suspension of license. These rule book penalty procedures are less stringent than those required by the Regulations, which are as follows:

9 CFR Part 11, subsection (f), "Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth...or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation."

Similarly, MFTHBA is not in compliance with the Operating Plan, which the HIO has voluntarily agreed to adhere to and enforce. The Operating Plan states “the HIO shall cancel the license of any DQP who receives two letters of warning.”

## Show Records

MFTHBA’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. Although no tickets were issued during MFTHBA’s 2008 show season, had there been the need to, important information used by APHIS Investigative Enforcement Services and Animal Care inspectors would not have been available. MFTHBA’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, MFTHBA and its DQP’s are not fully meeting these requirements.

## Frequency of Violations Identified

MFTHBA 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 MFTHBA DQP’s for the 2005-2008 show seasons.

<b>Year</b>	<b>Total Shows</b>	<b>No. of Shows APHIS Present</b>	<b>Percent of Shows APHIS Present</b>	<b>Total Violations Reported by MFTHBA</b>	<b>No. of Violations Identified when APHIS Present</b>	<b>Percent of Violations when APHIS Present</b>
2005	28	1	4%	11	3	27%
2006	20	0	0%	1	0	0%
2007	20	1	5%	1	1	100%
2008	22	0	0%	0	0	0%

The table also shows the percent of participation by APHIS. Due to budgetary constraints, APHIS was unable to attend any of the MFTHBA shows during the 2008 season. The HIO was responsible for horse inspections at 22 events in 2008 and reported no violations. Using prior year data, violations were reported disproportionately higher during events in which APHIS was present.

## Recommendations

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

- Revise its rulebook to comply with the penalty system of the Regulations; and
- Verify that all future event entry forms are complete and accurate.

Furthermore, RAB recommends APHIS Animal Care continue to work closely with MFTHBA 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 MFTHBA rule book, the MFTHBA committee structure, DQP reports, conflict resolution, MFTHBA 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 MFTHBA Records Coordinator in Vixa, MO to analyze the MFTHBA show documents for January 2008 through December 2008. RAB conducted an exit conference which ended the review.

## **Review Team**

Rochelle Langley, RAB, Riverdale, Maryland