



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 Western International Walking Horse Association

On August 20, 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 Western International Walking Horse Association (WIWHA) in Spokane, Washington. 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
N. Plunkett, TWHEAO, Sherwood, OR

USDA

**Horse Protection Act Review
of**

**Western International Walking Horse Association
Spokane, WA**



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 Western International Walking Horse Association

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

What RAB Found

RAB did not identify any major violations or concerns in their review of WIWHA.

One discrepancy identified pertains to the number of soring violations reported during the show in which APHIS representatives were present compared to the shows in which there was no APHIS representation. In 2008, WIWHA conducted eight horse shows, during which a total of five Horse Protection Act soring violations were identified. APHIS Veterinarian

Medical Officers were present at only one of these shows; however, four of the five violations were identified at that particular show. This equates to 80% of the violations occurring in the one show that APHIS attended.

All four prior year findings were closed before or during the 2008 review period. These prior year findings were:

- WIWHA could not provide a copy of their HIO rule book;
- WIWHA could not provide adequate proof of Designated Qualified Personnel (DQP) yearly training;
- WIWHA did not submit required DQP reports to APHIS on a timely basis; and
- WIWHA's violation numbering system was inadequate.

What RAB Recommends

Based upon the 2008 WIWHA material reviewed, no exceptions were found. Therefore, RAB offers no new recommendations.

Introduction

Objective

The objective of this review was to ensure all WIWHA 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 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.

WIWHA has been an HIO member since 1995, and is organized under the nonprofit corporation laws of the State of Oregon. According to its corporate bylaws, WIWHA's objective is to promote all aspects of the Tennessee Walking Horse, both as a breed, as well as the Walking Horse Industry. WIWHA 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, WIWHA was responsible for horse inspections at eight events.

Review of WIWHA

WIWHA 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 WIWHA 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. Further, organizational information indicated that no changes were made to the WIWHA Board or Directors.

According to program documentation, WIWHA licensed seven DQPs in 2008. RAB reviewed the reports issued by these DQPs for completeness. The DQP reports were sufficient; however, they were not always submitted on a timely basis. RAB followed up with the APHIS HPA Coordinator who indicated that WIWHA was in communication when reports were expected to be delayed. The HPA Coordinator worked with WIWHA to obtain the required reports. Therefore, based on the coordination between WIWHA and APHIS, RAB considered the late DQP reports acceptable.

One discrepancy identified is the disproportionate number of violations identified during the show 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 WIWHA DQPs for the 2005-2008 show seasons.

Year	Total Shows	No. of Shows APHIS Present	Percent of Shows APHIS Present	Total Violations Reported by WIWHA	No. of Violations Identified when APHIS Present	Percent of Violations when APHIS Present
2005	9	0	0%	2	0	0%
2006	9	0	0%	10	0	0%
2007	9	0	0%	2	0	0%
2008	8	1	13%	5	4	80%

The table also shows the percent of participation by APHIS. Due to budgetary constraints, APHIS was only present during one show for the 2008 season. The HIO was responsible for horse inspections at eight events in 2008 and reported a total of five violations. Violations were reported disproportionately higher during the one event in which APHIS was present.

Based upon the material reviewed and the explanations provided, RAB identified no new findings.

Prior Year Findings

There were four prior year review findings:

- WIWHA could not provide a copy of their HIO rule book,
- WIWHA could not provide adequate proof of DQP yearly training,
- WIWHA did not submit required DQP reports to APHIS on a timely basis, and
- WIWHA's violation numbering system is inadequate.

WIWHA provided a copy of their up-to-date rule book. The Records Secretary explained that WIWHA generated additional copies of their HIO rule book which brought them into compliance with the HPA.

WIWHA is required to maintain documentation of DQP participation in a yearly training session. Upon review of the 2008 training requirements, WIWHA was able to provide a signature roster listing of all WIWHA DQPs.

WIWHA did not submit their DQP reports to APHIS in a timely manner; however, the HPA Coordinator amended this finding because adequate communication between APHIS and the HIO occurred.

WIWHA made efforts to pre-number tickets used for issuing violations. Previous ticket books were numbered by hand; however, future ticket books will come pre-numbered.

All prior year findings were resolved.

Appendix A

Scope and Methodology

The review covered the WIWHA rule book, the WIWHA committee structure, DQP reports, conflict resolution, WIWHA 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 WIWHA Records Secretary in Spokane, WA to analyze the WIWHA show documents for January 2008 through December 2008. RAB conducted an exit conference which ended the review.

Review Team

Rochelle Langley, RAB, Riverdale, Maryland