Horse Protection Inspectors: Frequently Asked Questions

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On May 8, 2024, the U.S. Department of Agriculture (USDA) finalized a new Horse Protection Act (HPA) rule that discontinues the use of Designated Qualified Persons (DQP), third-party inspectors who were licensed by Horse Industry Organizations to detect and diagnose soring. The rule instead authorizes the use of Horse Protection Inspectors (HPIs) to detect and diagnose soring.

The new regulations regarding the training and authorization of HPIs takes effect on June 7, 2024. DQPs may continue working horse events until February 1, 2026. On this date, the remainder of the new regulations go into effect and only HPIs and USDA Animal and Plant Health Inspection Service (APHIS) representatives will be allowed to inspect horses. This factsheet answers frequently asked questions about the new HPI role.

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Why is USDA discontinuing the DQP program?

APHIS is responsible for enforcing the HPA. To that end, APHIS representatives attend horse events and inspect horses for compliance with the Act, even if a DQP is

being used. Inspection data over the decades reveal that the DQPs identify significantly fewer noncompliances when an APHIS representative is not present. Although DQPs identify more noncompliances when APHIS is present, they still identify noncompliances at a consistently lower rate when compared to those identified by APHIS. A USDA Office of the Inspector General (OIG) audit in 2010 further identified conflicts of interest in using industry-trained and licensed DQPs, including that they themselves may show horses or risk not being contracted with in the future if they identified noncompliant horses. In 2021, a study by the National Academy of Sciences concurred with OIG's audit findings and recommended that the use of DQPs be discontinued and a new inspection system be developed.

What does an HPI do?

HPIs ensure equine welfare by inspecting horses at HPA-covered events to identify horses that don't comply with the Act or its regulations. HPIs are screened, trained, and authorized by APHIS but are appointed by event management. While HPIs identify sore horses or horses that are otherwise noncompliant with the Act and its regulations, they do not disqualify the horse from participating in the event. Instead, HPIs report their findings to event management who are then required under the Act to disqualify the horse(s) from participating in their event. While event management is not required to appoint an HPI (or appoint an APHIS representative), doing so protects them from the liability of allowing a sore horse to be shown, exhibited, sold, or auctioned as they are only liable for failing to disqualify a horse that an HPI and/or APHIS representative has designated as noncompliant with the HPA.

What is the difference between a DQP and an HPI?

DQPs are licensed and trained by HIOs. HPIs are trained and authorized by APHIS. HPIs are still appointed by event management but APHIS will oversee HPI performance and may disqualify the authorization of any HPI found to not perform inspections in according to APHIS regulations and procedures or otherwise fails to perform duties necessary for APHIS to enforce the Act and regulations, after notice and opportunity for hearing.

While HPIs are appointed and paid by event management, HPIs will be required to sign and adhere to a Code of Conduct attesting to their freedom from financial or professional conflicts of interest, subject to screening and verification by APHIS. Under the code, applicants can be denied continuation in the program and HPIs can be disqualified if found to have conflicts of interest. HPIs are required to recuse themselves from acting as an HPI at any horse event that involves the participation of any horse who is owned, trained, exhibited by or in the custody of themselves, a family member, co-worker, client, or any other person from whom they receive a financial benefit. Furthermore, HPIs must be veterinarians, veterinary technicians, or local/State animal control officers. These restrictions are intended to limit the potential for conflicts of interest observed in the DQP program.

How are HPIs paid? What are their schedules?

HPIs are not USDA employees. They set their own rates. They also set their schedules and determine when they can work an event. While event management may appoint an HPI to cover their event, neither event management nor APHIS can assign an HPI to work an event. That means the HPI can decide whether they want to work an event. When an HPI does cover an event, they must submit documentation to APHIS after the event, including information regarding noncompliances identified.

What are the requirements to be an HPI?

The specific qualifications for HPIs are located at in Section 11.19 of the Horse Protection Amendments, 89 Fed. Reg. 39,194-39,251 (May 8, 2024). To summarize,

- HPIs must be veterinarians, veterinary technicians, or State/local animal welfare or control officers.
- HPIs must demonstrate sufficient knowledge and experience in equine husbandry and science.
- HPIs must not have been found to have previously violated any provision of the HPA or regulations and must not have been disqualified by the Secretary from diagnosing, detecting, or inspecting soreness under the Act.

- HPIs must not have acted in a manner that calls into question their honesty, integrity, reputation, practices, and reliability relative to possible authorization as an HPI.
- Prior to being authorized as an HPI, applicants must successfully complete APHIS HPA compliance and enforcement training.
- HPIs must sign and adhere to a Code of Conduct that includes recusal of events where there may be a conflict of interest, prohibition of betting or gambling activities on horses or participants, and discriminatory behavior.

How do you become an HPI?

The HPI application is available here. APHIS will review applications to ensure that requirements are met. APHIS will follow up with all applicants to let them know if whether they are approved to continue with training or if they are ineligible to be authorized as an HPI. Applicants approved for training must successfully complete HPI training and agree to the HPI Code of Conduct before they can be authorized and listed as an HPI on the APHIS website. HPI applicants whose application was denied will be provided written notification that will include the grounds for the denial and how the applicant may appeal the denial if they wish to do so.

What does HPI training include?

HPIs will be trained on the HPA, regulations, and how to detect and diagnose soring, including inspection and palpation techniques. HPIs will receive a copy of the HPA, regulations, and APHIS Standard Operating Procedures to follow while inspecting horses.

What is the HPI authorization process and how long does an authorization last?

Once an HPI candidate successfully completes training, APHIS will issue a certificate of authorization that is valid for 1 year. APHIS will then add the HPIs name and contact information to the APHIS website. Event managers can select an HPI from the list to conduct HPA inspections at their event.

Event managers must notify APHIS if they have appointed an HPI to inspect at their event. Because APHIS is responsible for overseeing HPIs, APHIS may choose to attend an event that is covered by an HPI. APHIS will observe if HPI inspections are conducted according to the regulations and procedures. They will also ensure that the HPI is following the HPI Code of Conduct.

If an HPI violates the Code of Conduct, is not performing inspections as prescribed, is not issuing the required documentation associated with an event, or is otherwise failing to perform HPI duties as required by APHIS regulations and procedures, APHIS may permanently disqualify the authorization of an HPI after notice and opportunity for a hearing.

If an HPI no longer wishes to conduct inspections, they can simply decline requests from event managers and notify APHIS in writing that they wish to have their name removed from the authorized HPI list on the APHIS website. An HPI can also opt to let their authorization expire if they no longer wish to be an HPI.

As the authorization expiration date draws near, APHIS will provide required refresher trainings for HPIs who wish to renew their authorizations and continue working as an HPI.

What is the typical workflow of an HPI?

At least 30 days before an event, management must notify APHIS whether they request an APHIS representative to perform inspections at the show or whether they have chosen and appointed an HPI (or whether they will have no inspector). Accordingly, after an HPI is authorized by APHIS, event management who plan to appoint an HPI should reach out to HPIs at least 30 days (but likely earlier) in advance of the event to coordinate coverage. The HPI will set their own rates and negotiate other expenses (such as travel). Once coverage is confirmed, but no later

than 30 days before the event, event management must report to APHIS the HPI they have appointed to cover the event.

At the event, the HPI will, at a minimum, physically inspect every Tennessee Walking Horse and every racking horse in each gaited class before their class is held. They will also inspect the first place finisher of each gaited class. This means that they may inspect the same horse multiple times during the same event if that horse is entered in more than one class. Each HPI will follow procedures prescribed by APHIS to detect and diagnose soring and the use of any prohibited substances or devices. When a noncompliance is identified, HPIs will issue a HPA Inspection Report (form to be provided by APHIS) to the custodian of the noncompliant horse. The HPI will report noncompliant horses to event management for disqualification for the remainder of the event. Copies of the inspection reports and other required documentation must be reported to APHIS following the event as outlined in APHIS Standard Operating Procedures.

Custodians, owners, trainers, exhibitors, transporters, and individuals associated with entering any horse that is disqualified may appeal the disqualification. Therefore, it is imperative that HPIs properly document all noncompliances identified and fill out the HPA Inspection Report in its entirety.

Do HPIs work alone?

As an HPI, you can work the event alone or have an assistant to help with logistics, etc. The assistant, however, may not perform inspections on behalf of the HPI. HPIs may wish to consider the additional expenses for bringing extra personnel when determining their rates.

If an event is anticipating more than 100 horses entered, event management must appoint at least two HPIs to inspect horses.

As part of APHIS oversight, APHIS representatives may arrive unannounced to inspect horses in addition to HPI inspections. This is to ensure that the HPIs are identifying and documenting noncompliant horses according to the HPA, its regulations, and APHIS procedures.

When must a horse event appoint an HPI?

No event is required to use an HPI. The HPA and the regulations allow for the following:

- Event management may use an APHIS representative, an HPI, or no one at all to identify HPA violations. If you elect to use an HPI, you must report to APHIS at least 30 days before the event the HPI you have appointed.
- Event management that elects not to use an APHIS representative or HPI will be held liable if it is later found that a horse was shown, exhibited, or sold while sore. However, event management that elects to use either an APHIS representative or HPI can only be held liable for horses they failed to disqualify after being notified by either the APHIS representative or the HPI that it was noncompliant with the HPA and its regulations.
- If an event anticipates having more than 100 horses entered, event management must appoint at least two HPIs if they wish to use HPIs to inspect horses.

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