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## Responsibilities of Management of Horse Shows, Exhibitions, Sales, and Auctions

Congress enacted the Horse Protection Act<sup>1</sup> (HPA or Act) to end the cruel and inhumane practice of soring horses.<sup>2</sup> The practice of soring is intended to improve the performance of a horse at horse shows, exhibitions, sales, and auctions by altering its gait through the use of a device, substance, and/or other physical practice that causes the horse to suffer, or reasonably be expected to suffer, pain, inflammation, or lameness while walking, trotting, or moving. This practice can produce a high-stepping gait that has been prized in certain competitions involving Tennessee Walking Horses and among other breeds. This practice is not only cruel and inhumane, but also results in unfair competition that damages the integrity of the breed.

The HPA establishes a multi-tiered structure to combat the practice of soring. First, it makes it unlawful for any person to show, exhibit, sell, or transport sore horses, or to use any prohibited equipment, device, paraphernalia, or substance in horse shows, exhibitions, sales, or auctions. Second, it holds horse owners responsible for allowing such prohibited activities. Third, it entrusts management<sup>3</sup> of horse shows, exhibitions, sales, and auctions with ensuring that sore horses do not unfairly compete with horses that are not sore. The HPA imposes penalties and other sanctions for violations, after notice and an opportunity for a hearing.

The HPA requires management to disqualify sore horses from being shown or exhibited and prohibit their sale or auction. Management may elect to appoint and retain non-governmental inspectors, known as “Designated Qualified Persons” (DQPs), to inspect horses on its behalf, and to detect and diagnose sore horses. Management utilizing DQPs may be held liable for failing to disqualify from being shown or exhibited or prohibit from being sold or auctioned “any horse (1) which is sore, and (B) after having been notified by such person or the Secretary that the horse is sore or after otherwise having knowledge that the horse is sore.”<sup>4</sup> Management that does not use DQPs may be held liable for failing to disqualify from being shown or exhibited or prohibit from being sold or auctioned “any horse which is sore.”<sup>5</sup>

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<sup>1</sup> 15 U.S.C. § 1821-1831.

<sup>2</sup> This Tech Note is intended to summarize provisions of the HPA and regulations (9 C.F.R. 11.1 *et seq.*). It does not supersede the HPA or regulations, any other law or regulation, or any applicable policy or procedure.

<sup>3</sup> Management means any person or persons who organize, exercise control over, or administer or are responsible for organizing, directing, or administering any horse show, horse exhibition, horse sale or horse auction and specifically includes, but is not limited to, the sponsoring organization and show manager.

<sup>4</sup> 15 U.S.C. § 1824(5)-(6).

<sup>5</sup> 15 U.S.C. § 1824(3)-(4).

In addition, the HPA and regulations issued thereunder entrust management with providing the USDA with adequate space and facilities to conduct inspections, maintaining and providing accurate records and information to the USDA, and other responsibilities. These responsibilities, which are summarized below, can be found in the HPA regulations, which are available on the Internet at: <http://www.ecfr.gov/cgi-bin/text-idx?SID=7102da78cdb431b318e706ab608140cc&mc=true&node=pt9.1.11&rgn=div5>.

At all horse shows, exhibitions, sales, and auctions, management must:

- Allow APHIS representatives unlimited access to all areas of the horse show, exhibition, sale, or auction for the purpose of inspecting any horse, or any record required to be kept by regulation or otherwise maintained.
- Allow APHIS representatives to examine and make copies of any and all records, either required or otherwise maintained, pertaining to any horse, during ordinary business hours or such other times as may be mutually agreed upon. Management must also make available to APHIS a room, table or other facilities necessary for proper examination of such records.
- Provide sufficient space and facilities for APHIS representatives to carry out their duties under the HPA, including:
  - Sufficient space to inspect horses, in a convenient location that is acceptable to the APHIS Show Veterinarian.
  - Protection from the elements of nature (i.e. rain, snow, sleet, hail, etc.).
  - A means to control onlookers so that APHIS representatives can work safely and without interference.
  - An accessible, reliable, and convenient electrical power source if requested.
  - Appropriate areas for horses awaiting inspection and for detained horses.
  - An adequate, safe, and accessible area for the visual inspection and observation of horses while they are competing, performing, being sold or auctioned, or offered for sale or auction.
- Ensure that only the custodian and the horse are present with APHIS officials and DQP representatives in the inspection area.
- Ensure that only the horse, the rider, the groom, the trainer, the DQP(s) and APHIS representatives shall be allowed in the warm-up area.
- Furnish and maintain control over approved lubricants (petrolatum, mineral oil or glycerine, or mixtures of these only) for use on horses after inspection.
- Limit the workouts, performances, and exhibitions of 2-year-old Tennessee Walking Horses and racking horses to no more than two 10-minute workout sessions, with a minimum 5-minute rest period between sessions for each performance, class, or workout.

If management decides to use a DQP, it must:

- Appoint and designate at least two DQPs when more than 150 horses are entered in the horse show, exhibition, sale, or auction.
- Allow DQPs unlimited access to all areas of any horse show, exhibition, sale, or auction for the purpose of inspecting any horse, or any record required to be kept by regulation or otherwise maintained.
- Refrain from influencing or interfering with a DQP in carrying out his or her duties or making decisions concerning whether or not a horse is sore or otherwise not in compliance with the HPA.
- Disqualify or disallow from being shown, exhibited, sold, or auctioned any horse that is identified by the DQP as being sore.
- Immediately notify APHIS and the licensing organization or association of any concerns regarding DQP performance, including an explanation as to why his or her performance was inadequate or otherwise unsatisfactory.
- Refrain from appointing a person to conduct inspections who does not hold a valid, current DQP license, who has had his or her license cancelled by the licensing

organization or association, or who is disqualified by the Secretary from performing such inspections under the HPA.

If management decides not to use a DQP, it must:

- Identify and disqualify or disallow any horses that are sore from participating or competing in the horse show, exhibition, sale, or auction.
- Inspect all horses that place first in any Tennessee Walking Horse or racking horse class or event to determine if they are sore or otherwise not in compliance with the HPA or the regulations.

Reporting Requirements:

- Within 5 days following the conclusion of any horse show, exhibition, sale, or auction, the management must submit the information listed under the subheading “Maintaining Records,” below, for each Tennessee Walking Horse or racking horse excused or disqualified from being shown, exhibited, sold or auctioned, and the reasons for such action. If no horses were excused or disqualified, management must submit a report so stating.
- If the horse show, exhibition, sale, or auction contains no Tennessee Walking Horses or racking horses, management must inform APHIS, within 5 days following the conclusion of the show, exhibiting, sale, or auction, of any case where a horse was excused or disqualified because it was found to be sore.

Maintaining Records:

- Management of any horse show, exhibition, sale, or auction that contains Tennessee Walking Horses or racking horses must keep the following required records for at least 90 days (or longer if requested by APHIS) after the event:
  - Date and place of show, exhibition, sale, or auction.
  - Name and address of the sponsoring organization and each horse show judge;
  - The name and address of DQPs, if any, employed to conduct inspections and the name of the licensing organization or association.
  - A copy of the official show, exhibition, sale, or auction program.
  - The identification of each entered horse, including the name of each horse, the name and address of the owner, trainer, and rider or other exhibitor, and the address of home farm or other facility where the horse is stabled.
  - A copy of each class or sale sheet containing the names of the horses, the exhibition number and class number, or sale number assigned to each horse, and the names and addresses of horse owners, the person paying the entry fee and entering the horse in the horse show, exhibition, sale, or auction.

In addition, the management of any horse show, exhibition, sale, or auction that contains Tennessee Walking Horses or racking horses must designate a person to maintain these records, and furnish the name of such person to any APHIS representative upon request.

### **Additional Information**

For more information contact:

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