

Questions and Answers: Horse Protection Act Regulation Amendments Proposed Rule

Q. What action is APHIS taking?

A. The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is issuing a proposed rule to amend and strengthen enforcement of the Horse Protection Act (HPA) to eliminate the inhumane practice of soring.

Q. What is the Horse Protection Act and why is it important?

A. The HPA is a Federal law that prohibits horses subjected to a practice called soring from participating in shows, sales, exhibitions, or auctions. The HPA also prohibits drivers from transporting sored horses to or from any of these events. Congress tasked APHIS with enforcing the HPA, and APHIS works actively with the horse industry to protect against such abuse and to ensure that only sound and healthy horses participate in shows. The ultimate goal of the HPA is to end the inhumane practice of soring.

Q. What is soring?

A. Soring is a cruel and abusive practice used to accentuate a horse's gait - as a high-step is needed to win in some segments of the horse show industry. Although the gait can be achieved naturally, some unscrupulous owners and trainers may use unnatural, illegal techniques. It may be accomplished by irritating or blistering a horse's forelegs through the injection or application of chemicals or mechanical irritants. Soring can be caused by biological, chemical or physical agents. APHIS utilizes multiple sophisticated tools during HPA compliance inspections including thermography, iris identification, digital imaging, foreign substance swabbing, and blood testing, in addition to observation and palpation techniques. Horses found to be sore are prohibited from participating in shows, sales, exhibitions, or auctions.

Q. Why hasn't APHIS been able to end soring in the past?

A. APHIS has not achieved the HPA's objective of ending soring because of two principle weaknesses in the existing regulatory structure: APHIS does not have direct control over the inspection process; and the use of certain equipment and training devices is allowed under existing regulations. The current regulations allow Horse Industry Organizations (HIO) to train and hire DQPs to inspect at shows and sales. A 2010 Office of the Inspector General report found numerous problems with the existing HIO/DQP structure, many of them because that structure leads to an inherent conflict of interest. Consistent with OIG's findings, APHIS has determined that using HIOs to train and license DQPs has not been effective in achieving Congress' goal of eliminating soring. The proposed rule will put the training and licensing under APHIS, however, the inspectors will not be APHIS employees. This will allow for consistent and impartial inspection of horses at horse shows, horse exhibitions, horse sales and horse auctions. The current regulations also allow the use of certain equipment and training devices, including action devices that can intensify or amplify the effects of soring. APHIS seeks to revise the types of equipment and training devices that may be used at HPA-covered events.

Q. What does this proposed rule plan to change?

A. This proposed rule would make two significant changes: APHIS would assume responsibility for training, screening and licensing inspectors, relieving horse industry organizations of recordkeeping, reporting burdens, training, and administrative requirements associated with industry-trained inspectors. This new cadre of inspectors would be veterinarians and veterinary technicians, required to follow APHIS rules and standards of conduct, and would be available to provide inspection services at industry shows and sales. The proposed rule would require a fitness assessment for horse inspectors, which directly addresses the conflicts of interest that OIG found were inherent in the industry and a primary reason soring still remained in the industry. The proposed rule would also give APHIS additional tools it lacks now to oversee inspectors and to take action should the Agency determine that their performance is compromised. With respect to equipment that may be used at HPA-covered events, the proposed rule would ban the use of all action devices, pads, and

foreign substances, in response to the continued, chronic pattern of noncompliance with the HPA. APHIS' proposed changes would bring the HPA regulations into alignment with existing equestrian standards established by the U.S. Equestrian Federation (USEF), the U.S. governing body for equestrian sports.

Q. Who currently inspects horses at shows?

A. Horse inspections are done by industry-trained and industry-hired inspectors. These third party inspectors, known as Designated Qualified Persons (DQPs) are currently trained and licensed by horse industry organizations (HIOs), subject to APHIS approval, to conduct inspections of horses at horse shows, horse exhibitions, horse sales, and horse auctions affiliated with these organizations. Many of these third-party inspectors are not veterinarians although they may have experience in the horse industry. Further, while APHIS can take action against HIOs, the Agency's ability to take direct action against DQPs in response to poor performance is limited

Q. Who would inspect horses under the new regulations?

A. Under the proposed rule, the inspection process will start with a more qualified pool of inspectors who are independent veterinarians or veterinary technicians, licensed by APHIS, with no connection to the walking horse industry. This independent pool of highly qualified, professionally ethical inspectors, coupled with APHIS oversight and the ability to take action against deficient inspectors and the ban on action devices, pads and foreign substances, will finally help end the cruel and inhumane practice of horse soring.

Q. Why is APHIS banning the use of action devices, pads, and foreign substances?

A. When the HPA regulations were created in 1970, APHIS decided to allow industry to retain the use of certain equipment and training devices, noting at the time that if the horse industry failed to establish a regulatory program to eliminate soring, APHIS would consider prohibiting all action devices and pads at a later time. Nearly 40 years later, the horse industry has not eliminated soring; industry acknowledges that soring remains a problem. APHIS' direct observations indicate that the use of action devices and pads frequently coincides with instances of soring and that their use can cause a horse to be sored.

Q. What are considered action devices?

A. Action device means any boot, collar, chain, roller, or other device which encircles or is placed

upon the lower extremity of the leg of a horse in such a manner that it can either rotate around the leg, or slide up and down the leg so as to cause friction, or which can strike the hoof, coronet band or fetlock joint. The regulation currently allows the use of chains 6 ounces or less around the pastern of at HPA-covered events, like horse shows. Show management provides an approved lubricant that can be placed around the pastern to allow ease of movement of the action devices. APHIS has found that instead of the approved lubricants, illegal foreign substances are being utilized with action devices, which causes a horse to be found sore. Trainers of sored horses often use action devices to cause a reflex action in the horse to accentuate its gait

Q. Why are action devices used?

A. Trainers of sored horses will often use action devices, such as chains, rollers, etc..., to cause a horse to lift its hoof higher than it would normally. Because the leg is sore, often from the devices or chemicals used, the action devices rub on the wounded leg or strike a tender hoof with illegal pads, causing pain when the horse sets its hoof on the ground. This is not only inhumane for the horses, but causes an unfair advantage during horse shows.

Q. What are pads?

A. Pads are the weights that are attached between the horse's natural hoof and the shoe. Under the current regulation, these are allowed with certain restrictions. APHIS is proposing to make these illegal as the shoe since pads may contain illegal objects designed to place pressure on the bottom of the horse's foot. This is done to force the horse to lift their foot higher as it is painful to step on. The majority of HPA noncompliance that APHIS detects involves from horses that wear action devices and pads. The length of time it takes to properly determine whether these shoes or pads comply with the HPA could delay or impede the show from progressing and eliminating their use will prevent them from being used to disguise soring with minimal effect upon the competition.

Q. Why is APHIS proposing to make these changes now? Why didn't APHIS make these changes before?

A. In 2010, the USDA Office of the Inspector General (OIG) released a report identifying major weaknesses with APHIS' oversight and administration of the Horse Protection Act. In the Agency's response to that report, APHIS agreed that the industry's current self-regulatory scheme was not achieving the HPA's

goal of ending the abusive practice of horse soring.
APHIS agreed to pursue programmatic and regulatory
changes to strengthen the program to achieve the
goals Congress laid out.

USDA is an equal opportunity provider and employer.