

# H.R. 1518, A BILL TO AMEND THE HORSE PROTECTION ACT

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## HEARING BEFORE THE SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE OF THE COMMITTEE ON ENERGY AND COMMERCE HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS

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## **H.R. 1518. A BILL TO AMEND THE HORSE PROTECTION ACT**

**WEDNESDAY, NOVEMBER 13, 2013**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND  
TRADE,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:08 a.m., in room 2322 of the Rayburn House Office Building, Hon. Lee Terry (chairman of the subcommittee) presiding.

Present: Representatives Terry, Lance, Blackburn, Guthrie, Kinzinger, Bilirakis, Johnson, Schakowsky, Yarmuth, Matheson, Barrow, and Whitfield.

Staff present: Charlotte Baker, Press Secretary; Kirby Howard, Legislative Clerk; Nick Magallanes, Policy Coordinator, Commerce, Manufacturing, and Trade; Brian McCullough, Senior Professional Staff Member, Commerce, Manufacturing and Trade; Gib Mullan, Chief Counsel, Commerce, Manufacturing and Trade; Heidi Stirrup, Health Policy Coordinator; and Shannon Weinberg Taylor, Counsel, Commerce, Manufacturing and Trade.

Mr. TERRY. I think we have all of our technical difficulties fixed as well, so Ms. Schakowsky, are we ready?

Ms. SCHAKOWSKY. I am ready.

### **OPENING STATEMENT OF HON. LEE TERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA**

Mr. TERRY. All right. First of all, I just want to thank all of our witnesses for being here today on Mr. Whitfield's bill.

So welcome to today's hearing of the CMT Subcommittee, and I am pleased to welcome our witnesses and my good friend, Mr. Whitfield, the chairman of Energy and Power Subcommittee, and sponsor of this legislation that we are going to discuss today.

Throughout my life, I have admired horses. I remember fondly riding horses at my grandpa's place in Colorado. I also put myself through 2 years of college and law school working at Ak-Sar-Ben Racetrack and have quite an affinity for the Thoroughbreds.

Now, Congressman Whitfield's legislation, the Prevent All Soring Tactics Act, amends various parts of the Horse Protection Act of 1970 and 1976. H.R. 1518 bans the use of all action devices, weighted shoes, pads, hoof bands and other devices which alter the horse's gait. This legislation would also change the current self-governing framework, where Horse Industry Organizations train and appoint inspectors for shows and exhibitions with some oversight

by the Animal and Plant Health Inspection Service, an agency of the Department of Agriculture. Now, H.R. 1518 would direct the Secretary of Agriculture to promote new regulations under which USDA would take over the licensing, training, assigning and overseeing of these inspectors.

I look forward today to an exchange of ideas reflecting multiple viewpoints on this legislation. No law is ever perfect, and often, Congress needs to act in order to modernize, clarify or reduce burdens. I have no doubt that there are issues within the HPA that need to be addressed. However, I believe that when Congress is considering legislation that adds new layers of regulation to an industry, we must be precise and careful. This means narrowly tailoring this legislation to fit the specific problem that needs to be addressed.

I want to thank everyone again for being here and traveling. I know several of you have come a long ways. We have a government official from Tennessee, Commissioner Julius Johnson, Tennessee's Commissioner of Agriculture, here, and pursuant to our traditional protocols, government officials get to testify first, and what we will do is, we will go from your right, my left, down the panel and we will discuss those rules when we get there.

[The prepared statement of Mr. Terry follows:]

#### PREPARED STATEMENT OF HON. LEE TERRY

Welcome to today's hearing of the CMT subcommittee. I am pleased to welcome our witnesses and to welcome my good friend, Congressman Whitfield, the Chairman of the Energy and Power Subcommittee and sponsor of the legislation that is the subject of today's legislative hearing.

I have admired horses for much of my adult life, beginning in college and law school when I worked part-time at the local racetrack in Omaha. The idea of these animals being abused and mistreated, whether on the rack track or in the show ring, bothers me a great deal.

Congressman Whitfield's legislation, the Prevent All Soring Tactics Act, amends various parts of the Horse Protection Act of 1970 and 1976. H.R. 1518 bans the use of all "action devices," weighted shoes, pads, hoof bands and other devices which alter the horse's gait. This legislation would also change the current self-governing framework, where Horse Industry Organizations train and appoint inspectors for shows and exhibitions with some oversight by the Animal and Plant Health Inspection Service (APHIS), an agency of the Department of Agriculture. H.R. 1518 would direct the Secretary of Agriculture to promulgate new regulations under which USDA would take over the licensing, training, assigning and overseeing of these inspectors.

I look forward today to an exchange of ideas reflecting multiple viewpoints on this legislation. No law is ever perfect, and often, Congress needs to act in order to modernize, clarify or reduce burdens. I have no doubt that there are issues within the HPA that need to be addressed. However, I believe that when Congress is considering legislation that adds new layers of regulation to an industry, we must be precise. This means narrowly tailoring this legislation to fit the specific problem that needs to be addressed.

Thank you again, and welcome, to our witnesses for traveling here today. I would especially like to welcome an elected official from Tennessee, Commissioner Julius Johnson, Tennessee's Commissioner of Agriculture.

Mr. TERRY. Since the vice chairman isn't here, does anyone other than Ed and Marsha want 2 minutes? Seeing none, I yield back my time and now yield your 5 minutes to our ranking member, Jan Schakowsky.



**OPENING STATEMENT OF HON. JANICE D. SCHAKOWSKY, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLI-  
NOIS**

Ms. SCHAKOWSKY. Thank you very much, Mr. Chairman. I appreciate this hearing, and I want to welcome all the witnesses for considering of H.R. 1518 sponsored by my good friend, Ed Whitfield, the PAST Act, Prevent All Soring Tactics. I am a previous horse owner. In addition to learning how to ride and jump a little—wasn't very good at it; my horse was better at it than I was—I learned how to keep him healthy and sound.

We are dealing today with Tennessee Walking Horses, who have been known historically for their distinctive gait but evidence continues to emerge that too often these wonderful horses are trained through inhumane and really tortuous treatment, especially for high-stakes competitions. We are going to see a video, a very disturbing video, after I finish. It is short, 2 minutes and some 50 seconds. But what we will see are tactics that absolutely need to be stopped. The Horse Protection Act in 1970 was designed to eradicate the practice of soring. You will see this, the soring of the feet of the horses. Unfortunately, the Horse Protection Act enforcement is lax and the industry's self-policing has been largely ineffective in eliminating the practice. And so this legislation makes sense. In fact, as of today, it is cosponsored by 223 Members, well over a majority in the House of Representatives. We need to make sure that we really are protecting horses. That is what the PAST bill does, and I hope this video will make it very clear. This is ABC Nightline, a very short clip of it, if you could play that, please, as part of my testimony?

[Video shown.]

And I yield back.

Mr. TERRY. Thank you. At this time I will yield 2½ minutes to the gentlelady from Tennessee.

**OPENING STATEMENT OF HON. MARSHA BLACKBURN, A REP-  
RESENTATIVE IN CONGRESS FROM THE STATE OF TEN-  
NESSEE**

Mrs. BLACKBURN. Thank you, Mr. Chairman, and I want to welcome Commissioner Johnson and appreciate him being here.

I think that we all agree that the soring of horses in any form is objectionable on every level, and for good reason. Soring is illegal, and you are going to hear from Commissioner Johnson. The State of Tennessee has zero tolerance for those who knowingly commit violations and have worked diligently with industry leaders to curb the practices. In fact, according to the most recent data from USDA, the compliance rate for shows this year has been over 96 percent with less than 4 percent of the nearly 10,000 inspections resulted in some sort of sore violation. Accordingly, the USDA, this is their compliance rate. For the Horse Industry Organization-affiliated Tennessee Walking Horses shows it was 98½ percent over the period 2009 to 2012.

So why is additional legislation necessary for an industry that is over 98 percent compliant? Now, let us compare this to the Thoroughbred racing industry, which is in our neighboring State of Kentucky in which one report found that 3,000 horses died between

2009 and 2011. During the same period, one horse participating in a Tennessee Walking Horse show event died. Based on conversations I have had with breeders in Tennessee, enacting the bill before us would potentially eliminate an entire division of horse breed and result in the loss of thousands of jobs in Tennessee, Kentucky, Missouri, Texas, North Carolina, Virginia, Texas, and Mississippi. They are all connected with the industry. The economic impact of the Walking Horse industry in Tennessee is \$1.5 billion. The Celebration Show in Shelbyville, Tennessee, brings in over \$40 million to that community. This legislation imposes excessive regulatory burdens on the Walking Horse industry and could potentially eliminate the entire industry and thus the entire breed.

With that, I yield to the gentleman from Kentucky, Mr. Whitfield.

Mr. TERRY. The gentleman is recognized for 2 ½ minutes.

**OPENING STATEMENT OF HON. ED WHITFIELD, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF KENTUCKY**

Mr. WHITFIELD. Well, I thank the gentlelady very much for yielding, and I appreciate Chairman Terry and Ms. Schakowsky having this hearing today.

As has been said, the Horse Protection Act was passed by Congress in 1970 to stop the practice of soring. The only breeds being sored today are the Tennessee Walking Horses, the Spotted Saddle and Racking. The U.S. Department of Agriculture Inspector General report issued a few years ago has concluded that the current program for inspecting for soring is not adequate to ensure that these animals are not being abused. The DQPs being hired by the HIOs have a clear conflict of interest and do not properly enforce the Horse Protection Act.

Many in the horse show industry do not regard the abuse of horses as a problem, and when USDA inspectors conduct their few inspections, they are subjected to intimidation and harassment and must routinely bring law enforcement for protection. USDA has recommended that the DQP program be abolished and independent, accredited veterinarians perform inspections at sanctioned shows.

H.R. 1518 adopts that recommendation and makes it more difficult to sore and use devices to alter the horse's natural gait. This bill has widespread support including 4 horse organizations including the American Horse Council. It has all 50 State veterinary medical associations, the American Association of Equine Practitioners, and 223 Members of Congress are cosponsors.

We are going to hear testimony today about the show entity in the Shelbyville, Tennessee, area being 98.5 percent compliant. We are also going to hear other witnesses disagree with that, and we are going to tell you why they disagree with it.

I feel bad that we would not have this problem today in the industry except for a few areas around Shelbyville, Tennessee, a few areas in Missouri, and yes, a few areas in Kentucky, and that is why later on we are going to find out why the inspector organizations in Tennessee and in Missouri and in Kentucky have been notified by the Department of Agriculture that they are going to be

decertified. They are not there yet, but I look forward to the hearing and the information that we will learn from it. Thank you.

Mr. TERRY. Thank you, Mr. Whitfield, and now it is time for the show, which is hearing from our witnesses on H.R. 1518, and I am going to introduce the witnesses now, and then when I am finished with that, we will start with Mr. Johnson. Each of you will have 5 minutes. There is a little—well, I see one in front of Ms. Benefield and one behind us. Green means you are good to go. When it starts to get yellow, or when it is yellow, that means start wrapping it up, and red, I am going to probably interject and have you wrap up at that point.

So we have a really fantastic panel with us today. We have the Hon. Julius Johnson, Commissioner of the Tennessee Department of Agriculture, then Marty Irby, International Director and former President, Tennessee Walking Horse Breeders and Exhibitors Association. We have Mr. Ron DeHaven, DVM, Executive Vice President and CEO of American Veterinary Medical Association, former Administrator, USDA Animal and Plant Health Inspection Service. Thank you for being here. Mr. John Bennett, DVM, Equine Services, LLC, on behalf of the Performance Show Horse Association; Donna Benefield, International Walking Horse Association, then Teresa Bippin, President, Friends of Sound Horses, and last to testify, James Hickey, Jr., President, American Horse Council.

So at this time I want to recognize the Hon. Julius Johnson for your 5 minutes.

**STATEMENTS OF HON. JULIUS JOHNSON, COMMISSIONER, TENNESSEE DEPARTMENT OF AGRICULTURE; MARTY IRBY, INTERNATIONAL DIRECTOR AND FORMER PRESIDENT, TENNESSEE WALKING HORSE BREEDERS AND EXHIBITORS ASSOCIATION; W. RON DEHAVEN, DVM, MBA, EXECUTIVE VICE PRESIDENT AND CEO, AMERICAN VETERINARY MEDICAL ASSOCIATION, AND FORMER ADMINISTRATOR, USDA ANIMAL AND PLANT HEALTH INSPECTION SERVICE; JOHN BENNETT, DVM, EQUINE SERVICES LLC, ON BEHALF OF PERFORMANCE SHOW HORSES ASSOCIATION; DONNA BENEFIELD, VICE PRESIDENT, INTERNATIONAL WALKING HORSE ASSOCIATION; TERESA BIPPEN, PRESIDENT, FRIENDS OF SOUND HORSES; AND JAMES J. HICKEY, JR., PRESIDENT, AMERICAN HORSE COUNCIL**

#### **STATEMENT OF JULIUS JOHNSON**

Mr. JOHNSON. Thank you, Chairman Terry, Ranking Member Schakowsky and members of the subcommittee. I appreciate this opportunity. I am going to stick to my statement and be very brief at the same time.

As Commissioner of the Tennessee Department of Agriculture, I appreciate you allowing me to provide testimony on the importance of the equine industry and especially the Tennessee Walking Horse industry to our State. The equine industry is an important part of Tennessee's economy and its heritage. We are ranked among the top six States in the Nation in number of equine, according to the latest census of agriculture. Our Market Development Division within the Department helps to support this growing industry

through promotion of Tennessee trails, shows and events and through the involvement with numerous breed associations. Tennessee is home to several national breed associations in addition to the Tennessee Walking Horse.

Some facts about Tennessee's equine industry are a 2010 survey indicated 170,000 head but a more comprehensive survey in 2004 indicated 240,000 head in Tennessee. We believe the numbers have not declined but rather the variation is more due to the tactics of which the survey was taken. There are 41,000 Tennessee farms with horses, 41,000. There are 3.2 million acres, 30 percent of Tennessee's farmland, designated to equine uses. So you can see this industry as a whole is very important to our State agricultural industry.

The total economic impact from the equine industry in Tennessee is \$1.4 billion. The total value added impact of equine in Tennessee is \$746 million. The indirect business tax revenue received by state and local government is \$61.2 million, and the total estimated economic impact from the horse shows and events is \$45 million. The importance of the industry to the many local and rural community charities, which they organize these activities, and other organizations is tremendously significant. It is going to be a major hit to rural Tennessee.

The industry creates 20,309 jobs throughout our State, and again especially in rural Tennessee, which is so hard pressed to attract any jobs, and it is more meaningful there than any other place, and we simply will be devastated with the loss of this kind of jobs.

The Tennessee Department of Agriculture and I personally find the soring of horses in any shape, form or fashion objectionable on every level. There should be no tolerance for animal cruelty. Walking horse industry leaders have made what we believe are monumental strides at eliminating this practice from the industry, and we believe they are committed to a policy of zero tolerance for individuals who commit violations. We understand the motives of some to further tighten the regulation of the industry in order to protect the horse. However, we caution against overreaction by some who seek to eliminate horse shows at the expense of rural communities across the State and horse owners, the vast majority of whom are caring and responsible in the management of their animals.

Rural Tennessee would suffer the greatest as a result of this type of legislation. We urge this committee and Congress to find the right balance that protects the horse as well as ensures the viability of the walking horse industry should you find it necessary to pass any legislation at all.

The Tennessee Walking Horse is a wonderful, dynamic breed that has been the enjoyment of many around the world for its ride, its gentleness and its endurance. We believe Congressman Whitfield's proposed legislation is based more on perception than on sound science. We believe it is excessive and will damage the industry significantly and potentially eliminate the performance horse altogether. I urge you to find sensible solutions to this issue.

Thank you for your time.

[The prepared statement of Mr. Johnson follows:]

Statement of  
Commissioner Julius Johnson  
Tennessee Department of Agriculture  
Importance of the Tennessee Walking Horse Industry to Tennessee

Before the  
U.S. House of Representatives Commerce, Manufacturing & Trade Subcommittee  
of the House Energy & Commerce Committee  
November 13, 2013

Chairman Terry, Ranking Member Schakowsky and Members of the Subcommittee:

As Commissioner of the Tennessee Department of Agriculture, I appreciate you allowing me to provide testimony on the importance of the equine industry, and especially the Tennessee Walking Horse Industry, to our state. The Tennessee Department of Agriculture has a long history of supporting the Walking Horse industry through both Republican and Democrat administrations, and we are proud of the contribution this industry makes not only to our state but to numerous rural communities across Tennessee that depend on the economic activity generated by this industry.

The equine industry is an important part of Tennessee's economy and its heritage. We are ranked among the top six states in the nation in the number of equine according to the latest Census of Agriculture. Our Market Development Division helps to support this growing industry through promotion of Tennessee trails, shows and events, and through involvement with numerous breed associations. Tennessee is home to several national breed associations in addition to the Tennessee Walking Horse.

In 2000, the Tennessee General Assembly designated the Tennessee Walking Horse the official horse of the state of Tennessee. This is a testament to the broad, bipartisan support that the breed enjoys statewide.

Based on responses to a 2009 informal survey, Tennessee has roughly 26 equine associations involving thousands of individuals. Many young people are intricately involved in these breed associations and other industry activities that lead to the development of productive, responsible citizens. I know of no better way to build character and responsibility in our young people than through the proper care and handling of horses and other livestock.

Some additional facts about Tennessee's equine industry are:

- ❖ A 2010 survey indicates 170,000 head (USDA-NASS, 2010) but a more comprehensive survey in 2004 indicates as many as 240,000 head (TDA, 2004). We believe that the numbers have not declined but rather the variation is more likely due to differing survey methodologies.
- ❖ There are 41,000 Tennessee farms with equine (TDA, 2004).

- ❖ There are 3.2 million acres, 30 percent of Tennessee's farmland, designated for equine use (USDA-NASS, 2010).
- ❖ Tennessee is ranked among the top six states in the nation in total equine, including donkeys, burros and mules. (6<sup>th</sup> in equine, 2<sup>nd</sup> in donkeys, burros and mules: USDA-NASS, 2010).
- ❖ Tennessee is ranked fifth in the U.S. in number of horse farms (USDA-NASS, 2010).
- ❖ Tennessee is ranked eleventh in the U.S. in terms of market value of equine (USDA-NASS, 2010).
- ❖ The top five breeds are the Tennessee Walking Horse, Quarter Horse, Donkey, Mule and Spotted Saddle Horse.
- ❖ The top use of equine is for pleasure and sport, or competition, and for breeding stock. Many of our livestock farms across Tennessee have brood mares for raising yearling foals. This is critical as a secondary source of farm income, helping to keep family farms profitable and viable. It is an important factor that should not be ignored. These are individual farmers with modest incomes who are trying to piecemeal successful family farming operations.

#### **Tennessee Equine Industry Economic Impact:**

- ❖ The total economic impact from the equine industry in Tennessee is \$1.4 billion.\*
- ❖ The total value-added impact of equine in Tennessee is \$746 million.\*
- ❖ The indirect business tax revenue received by state and local governments is \$61.2 million.\*
- ❖ The total estimated economic impact from horse shows and events is \$45 million. The importance of the industry to the many local and rural community charities and organizations is significant.\*
- ❖ The industry creates 20,309 jobs throughout our state, and again, especially in rural Tennessee where it is more and more difficult to attract jobs.\*

*\*Source: Menard et al, 2010*

- ❖ Sources of income from the equine industry – horse breeding, sales, events/shows, recreation, stabling equines, and training – all contribute to the state's economy. Although horse racing in other states has contributed to the industry's popularity, recent growth has come largely from equestrian sports and recreation (i.e., show jumping, field hunting, driving, cutting, roping, eventing, dressage and endurance).
- ❖ Equine owners/operations have to purchase equipment and services (clothing, tack, and trainers) to carry out these activities. Additionally, equine operations, like other livestock operations, have to purchase equipment (i.e., tractors, trucks, trailers, farm

structures and fencing), feed and hay and require the services of veterinarians and farriers.

- ❖ The breeding of equine requires investment in farmland and other assets not economically justifiable for most other agricultural enterprises. These activities also create additional tourism and recreational expenditures.
- ❖ Perhaps harder to quantify are the contributions from educational services and the institutional support provided by agricultural and veterinary schools for equine production and care (Offutt and Korb, 2006; Whiting, Molnar, and McCall, 2006).

#### ***Current Issues before Congress***

The Tennessee Department of Agriculture, and I personally, find the soring of horses in any shape, form or fashion objectionable on every level. There should be no tolerance for animal cruelty. Walking Horse industry leaders have made what we believe are monumental strides at eliminating this practice from the industry. And we believe they are committed to a policy of zero tolerance for individuals who commit violations. We understand the motives of some to further tighten the regulation of the industry in order to protect the horse. However, we caution against overreaction by some who seek to eliminate horse shows at the expense of rural communities and horse owners, the vast majority of whom are caring and responsible in the management of their animals. Rural Tennessee would suffer the greatest as a result of this type of legislation. We urge this committee and Congress to find the right balance that protects the horse as well as ensures the viability of the Walking Horse industry should you find it necessary to pass legislation at all. The Tennessee Walking Horse is a wonderful, dynamic breed that has been the enjoyment of many around the world for its ride, gentleness and endurance.

We believe Congressman Whitfield's proposed legislation is based more on perception than sound science. We believe it is excessive and will damage the industry significantly and potentially eliminate the performance horse all together. I urge you to find sensible solutions to this issue.

Madam Chairman and members of the committee, thank you for providing me and the Tennessee Department of Agriculture to be a part of this discussion and issue that is important to all of us, but especially to rural Tennessee.

Mr. TERRY. Thank you.

At this time, Mr. Irby, you are recognized for your 5 minutes.

#### STATEMENT OF MARTY IRBY

Mr. IRBY. Thank you, Mr. Chairman. Thank you, Ms. Schakowsky, and other members. My name is Marty Irby and I served as the President of the Tennessee Walking Horse Breeders and Exhibitors Association from December of 2010 until December of 2012 and currently serve as an International Director. But today I am here representing myself. In addition, last night I was informed that I have been selected as the nominated President for 2014 of the Association. I have owned Racking Horse World Grand Champions and have judged the Spotted Saddle Horse World Grand Championship. All three of these breeds are affected by this legislation that I fully support.

In 1955, my grandfather veterinarian obtained his first Tennessee Walking Horse and joined the association I later became President of. At the age of 3, I was first placed on a Tennessee Walking Horse, and at the age of 5, I first began competing in World Grand Championship competitions. Since childhood, I have observed the horrific practice of soring, and my father taught me how to sore a horse at the age of 13. Soring padded performance horses is ingrained within our culture. From my personal and public stance, I have suffered many losses. Even family members have turned against me. I ask that you not let these efforts be in vain. I am here to prevent the extinction of the Tennessee Walking Horse, and I believe this bill must pass the House of Representatives and Senate.

I have seen horses' feet in the past on many occasions look like pizza with the cheese pulled off the top of it. That is how horrific this practice is. I have listened to thousands of people—breeders, trainers, exhibitors and owners—who want change within our industry. Poll after political continues to show that the majority favor this bill. During my 8 years of service in various positions, I tried to move forward and move our breed in a new direction from within and was unsuccessful with my attempts. Therefore, I am here before you today to ask Congress to please help save our breed.

Other breeds may be doing well in Tennessee and their numbers may be good but the Tennessee Walking Horse is not doing well. Over the past 10 years, our membership has declined from more than 20,000 to 8,300 or less. In 2006, when I was an International Director, we failed to crown a World Grand Champion because most of the horses were disqualified and deemed sore and in violation of the Horse Protection Act by the United States Department of Agriculture. In 2010, when I served as Vice President of Marketing, we were kicked out of the World Equestrian Games in Kentucky, and our \$25,000 sponsorship check was returned due to the soring issues and utilization of stacks and chains.

Our greatest fault for many decades as a breed is that we have been trying to save the padded performance horse. Recently I discussed this with a friend, and I said we tried and tried to save the performance horse and now it is about saving the breed. He said, well, shouldn't that have been what it was about all along? That spoke volumes to me.



At this point in time and as I have progressed, I have realized that we must let go of the sore padded performance horse and step soundly into the future or we will not realize any future at all.

In May of 2012, I was as President faced with perhaps the most critical decision that has ever faced our breed: should I continue to perpetuate the lie that padded and chained horses are mostly sound——

Mr. TERRY. Will you pull the microphone a little closer? I just heard that they can't hear you in the control room.

Mr. IRBY. Should I continue to perpetuate the lie that padded and chained performance Tennessee Walking Horses are mostly sound and only a few bad apples sore them, or should I recognize the truth, that most all of them have been sored or are sore. This question came into mind after the ABC expos AE1e Nightline that you saw earlier. I was President that day and happened to be in Wemding, Germany, judging a horse show and saw the world's reaction from the outside of this horrific practice. I knew that day that things must change, and the brutal beating and soring and electric prodding of horses like people like Jackie McConnell have done need to stop. I have known Jackie McConnell since I was 5 years old and my family was friends with him.

This event became the Tylenol crisis of the Tennessee Walking Horse breed and the negative stigma associated with our breed due to soring has caused the value of yearling colts to drop from \$20,000 or more to many just to \$300 to \$500 in a few years. Our breed records reflect that last year we bred a small fraction of the number of mares we bred 8 years ago. Our lack of ability to self-regulate over the past 43 years has brought our breed to this cross-roads. I have observed more corruption in soring horses, corrupt inspections, corrupt judging, corrupt training methods, corrupt business practices intertwined with this industry than I have seen anywhere on this earth, and this has nearly destroyed our great breed.

It is now time someone took action to save our breed and make our economy grow again. An economy based on criminal activity is not healthy for our industry and not healthy for our country. For this to happen, the mechanically created and artificial gait known as the Big Lick must cease to exist along with pads, action devices and soring so that this dark cloud can be removed from our breed. In addition, the HIO inspection system should be eliminated so that the self-regulation can go away and things can be done in the right manner.

I thank you, Mr. Chairman, and appreciate the time to be here today and testify before you.

[The prepared statement of Mr. Irby follows:]

Testimony for House Committee Hearing on HR 1518 "The PAST Act"

My name is William T. "Marty" Irby, Jr. I served as the President of the Tennessee Walking Horse Breeders' & Exhibitors' Association (TWHBEA) from December 2010-December 2012, and currently serve as an International Director from the State of Tennessee for the organization representing all of the members in the State of Tennessee that are stakeholders and have a vested interest in the Tennessee Walking Horse. In addition, I am an 8 time World & World Grand Champion rider with Tennessee Walking Horses, have owned a Racking Horse World Grand Champion within the Racking Horse Breeders' Association of America, and have judged the Spotted Saddle Horse World Grand Championship for the National Spotted Saddle Horse Association. All three of these breeds are affected by the proposed legislation I fully support.

In 1955 my Grandfather veterinarian Dr. L.E. Irby, obtained his first Tennessee Walking Horse and joined the association I later became President of at the age of 31. TWHBEA is the breed registry established in 1935 and is the oldest and largest organization within our industry. At the age of 3 I was first placed on a Tennessee Walking Horse, and at the age of 5 I first began competing in World Grand Championship competitions. Since childhood I have observed the horrific practice of soring, and my father William Ty Irby Sr. taught me how to sore a horse at the age of 13. Soring padded performance Tennessee Walking Horses is engrained in our culture, and to prevent the extinction of the Tennessee Walking Horse I believe this bill must pass the United States House of Representatives & United States Senate.

Having served as President of our breed and having been the youngest President in history, I have listened to tens of thousands of Tennessee Walking Horse breeders, owners, trainers, exhibitors, and enthusiasts of all ages. During my eight years of service in various positions prior to serving as

President I tried to move our breed in a new direction from within, and was unsuccessful in my attempts. Therefore, I am here before you today to ask Congress to please help save our breed.

Over the past 10 years our membership at TWHBEA has declined from more than 20,000 to less than 8,300. In 2006 while I was an International Director of our Association, the Tennessee Walking Horse National Celebration failed to crown a World Grand Champion because most of the horses were disqualified and deemed in violation of the Horse Protection Act. When I served as Vice-President of Marketing for TWHBEA in 2007 our association was near bankruptcy. In 2010, when I served again as Vice-President of Marketing, TWHBEA was "kicked out" of the World Equestrian Games in Kentucky, and our \$25,000.00 sponsorship check was returned due to the soring issues and utilization of pads (stacks) and chains (action devices). Our greatest fault for many decades as a breed is that we have been trying to save the padded performance horse. We have been trying to perpetuate a false premise. Recently I discussed this with a friend and said "we tried and tried to save the performance horse, and now it is about saving the breed." He said "shouldn't it have been about saving the breed all along?" At this point in time and as I have progressed I have realized that we must let go of the sore padded performance horse and step soundly into the future, or we will not realize any future at all.

In May of 2012 I was as President faced with perhaps the most critical decision that has ever faced our breed. Should I continue to perpetuate the lie that the padded and chained performance Tennessee Walking Horses are mostly sound and a few bad apples sore them, or should I recognize the truth that all padded and chained Tennessee Walking Horses are either sore or have been sored? This question came to mind after an expose was aired on ABC's Nightline that showed undercover documentation of one the top World Grand Champion and Hall of Fame trainers, Jackie McConnell brutally beating, soring, and electrically cattle prodding a number of Tennessee Walking Horses. I had known Jackie McConnell since I was five years old, my parents were close friends with both him and his wife. During this event I happened to be judging a horse show in Wemding, Germany where the padded

and chained up performance horse is illegal. I observed the reaction the world had to this video and expose, and knew I could no longer allow this lie to be perpetuated.

This event became the “Tylenol Crisis” of the Tennessee Walking Horse breed. The negative stigma associated with our breed due to soring has caused the value of yearling colts to drop from \$20,000 or more to \$300-\$500 in just a few short years. Our breed records reflect that last year we bred 4.9% of the number of mares we bred eight years ago. Our lack of ability to self-regulate over the past 43 years has brought our breed to this crossroads. I have observed more corruption in soring horses, corrupt inspections, corrupt judging, corrupt training methods, corrupt business practices intertwined within the industry, corrupt horse shows, and corrupt titles given to the highest bidder that have all perpetuated the horrific practice of soring, and nearly destroyed our great breed of horse. An economy based on criminal activity such as this must not persist and is not healthy for our breed, or our country. It is time someone took action to save our breed, make our equine economy grow again, and create an avenue that people begin to breed mares, buy horse feed, haul horses to the horse show, promote the general welfare of our horse which will enable a thriving and positive future for generations and generations to come. For this to happen the mechanically created and artificial gait known as “the big lick” must cease to exist and pads, action devices, and soring must be eliminated along with the self-regulation and current system that perpetuates this dark cloud hovering over our horses. In addition, the HIO (Horse Industry Organization) inspection system is what divides our breed, eliminating this system will provide a central authority for the industry’s judges while USDA licenses inspectors. The HIO system which was allowed by the 1976 amendment to the Horse Protection Act must go.

The majority of the soring continues in one division known as the padded and chained performance division that HR 1518 will eliminate. After passage, the remainder of the rest of the breed will be able to move forward in a new direction and grow our breed with emphasis on its versatility and not one “freak show” segment. For nearly a year beginning in the summer of 2012 I went to many of the

top training barns within our industry in search of padded horses who had not been sore. I covered the majority, and could not find a single horse that had not had this abuse upon them at some point in their life. Most were being sore at the time of my analysis. Many of the trainers told me firsthand how they were soring horses. Over time I have observed the use of mustard oil, croton oil, diesel fuel, kerosene, WD-40, or Gojo (hand cleaner) to sore horses at the majority of all training facilities in this industry.

There is nothing wrong with the Tennessee Walking Horse. It is the people, the artificial devices such as pads and chains, and the soring that is wrong with our breed, and it is long past time these practices of horrific animal abuse that are nothing short of slavery stop! After having managed the largest Tennessee Walking Horse breeding farm in the history of the breed, and having worked with thousands of breeders who just a few years ago paid five to ten times for a stud fee what they pay today, and watching our breed come to this critical of a stage, I can tell you that I believe the passage of the PAST Act HR 1518/S 1406 is our final chance for salvation. Otherwise, the Tennessee Walking Horse will be no more, and the equine industry will have lost what I believe to be the greatest breed on earth.

### First Time Foal Registrations

December 2010 - November 2011					
Month	Free	Paid	Total	Amount	
Dec	108	382	390	\$ 15,905	
Jan	70	192	262	\$ 17,020	
Feb	49	191	240	\$ 14,570	
Mar	58	204	262	\$ 15,555	
Apr	53	212	265	\$ 19,405	
May	48	203	251	\$ 17,730	
Jun	92	196	288	\$ 15,340	
Jul	125	275	398	\$ 17,951	
Aug	118	235	353	\$ 15,130	
Sept	179	306	476	\$ 16,190	
Oct	221	417	638	\$ 21,110	
Nov	139	244	383	\$ 12,870	
<b>Total:</b>	<b>1,251</b>	<b>2,955</b>	<b>4,206</b>	<b>\$ 198,376</b>	

December 2011 - November 2012					
Month	Free	Paid	Total	Amount	
Dec	63	178	243	\$ 11,050	
Jan	90	250	340	\$ 17,245	
Feb	42	169	211	\$ 13,855	
Mar	51	253	304	\$ 19,070	
Apr	48	183	230	\$ 14,335	
May	74	227	301	\$ 20,810	
Jun	78	188	266	\$ 14,185	
Jul	93	142	235	\$ 10,830	
Aug	133	218	351	\$ 13,990	
Sept	134	321	455	\$ 19,330	
Oct	165	382	547	\$ 20,480	
Nov	116	306	422	\$ 15,935	
<b>Total:</b>	<b>1,089</b>	<b>2,826</b>	<b>3,915</b>	<b>\$ 193,135</b>	

December 2012 - November 2013					
Month	Free	Paid	Total	Amount	Accumul ated Total
Dec	75	194	269	\$ 12,680	269
Jan	64	128	192	\$ 10,110	461
Feb	39	154	193	\$ 13,000	654
Mar	50	168	218	\$ 8,618	872
Apr	34	224	258	\$ 9,088	1,132
May	46	175	221	\$ 6,874	1,373
Jun	74	367	441	\$ 14,556	1,814
Jul	78	562	640	\$ 21,065	2,454
Aug	140	401	541	\$ 18,468	2,995
Sept	96	233	349	\$ 11,876	3,344
Oct					
Nov					
<b>Total:</b>	<b>718</b>	<b>2,626</b>	<b>3,344</b>	<b>\$ 126,335</b>	

### Transfers

December 2010 - November 2011					
Month	Free	Paid	Total	Amount	
Dec	92	299	391	\$ 12,743	
Jan	107	379	486	\$ 15,830	
Feb	119	451	570	\$ 17,480	
Mar	196	605	801	\$ 24,180	
Apr	161	469	630	\$ 19,510	
May	168	497	665	\$ 21,135	
Jun	168	465	633	\$ 18,490	
Jul	110	353	463	\$ 14,730	
Aug	173	430	603	\$ 17,250	
Sept	173	486	657	\$ 19,060	
Oct	147	421	568	\$ 18,640	
Nov	114	295	409	\$ 12,600	
<b>Total:</b>	<b>1,726</b>	<b>5,150</b>	<b>6,876</b>	<b>\$ 211,650</b>	

December 2011 - November 2012					
Month	Free	Paid	Total	Amount	
Dec	104	275	379	\$ 11,375	
Jan	132	416	548	\$ 17,190	
Feb	119	520	639	\$ 20,640	
Mar	169	530	719	\$ 22,670	
Apr	181	520	701	\$ 21,410	
May	166	468	634	\$ 20,060	
Jun	138	417	555	\$ 16,400	
Jul	134	342	476	\$ 14,370	
Aug	122	439	611	\$ 18,500	
Sept	120	382	502	\$ 16,120	
Oct	140	359	499	\$ 14,840	
Nov	92	336	428	\$ 13,970	
<b>Total:</b>	<b>1,667</b>	<b>5,024</b>	<b>6,691</b>	<b>\$ 207,545</b>	

December 2012 - November 2013					
Month	Free	Paid	Total	Amount	Accumul ated Total
Dec	64	218	282	\$ 9,040	282
Jan	107	306	413	\$ 12,690	695
Feb	108	357	465	\$ 14,310	1,160
Mar	140	364	504	\$ 13,722	1,664
Apr	152	437	589	\$ 15,126	2,253
May	116	336	452	\$ 11,310	2,705
Jun	109	483	592	\$ 16,484	3,297
Jul	108	457	565	\$ 16,398	4,191
Aug	157	447	604	\$ 16,156	4,795
Sep	98	361	459	\$ 13,960	5,254
Oct					
Nov					
<b>Total:</b>	<b>1,159</b>	<b>3,766</b>	<b>4,925</b>	<b>\$ 138,746</b>	

### Stallion Breeding Report

Year	Number Mares	Blood Typed	Not Blood Typed
10/01/90 - 09/30/91	13,558	10,200	3,358
10/01/91 - 09/30/92	14,613	12,547	2,066
10/01/92 - 09/30/93	15,606	14,218	1,388
10/01/93 - 09/30/94	17,338	16,220	1,138
10/01/94 - 09/30/95	19,435	18,471	964
10/01/95 - 09/30/96	21,829	21,067	762
10/01/96 - 09/30/97	23,764	23,164	540
10/01/97 - 09/30/98	24,129	23,743	386
10/01/98 - 09/30/99	25,390	25,043	347
10/01/99 - 09/30/00	26,813	26,555	258
10/01/00 - 09/30/01	27,334	27,105	229
10/01/01 - 09/30/02	27,378	27,168	210
10/01/02 - 09/30/03	27,493	27,337	156
10/01/03 - 09/30/04	26,320	26,198	122
10/01/04 - 09/30/05	24,780	24,653	127
10/01/05 - 09/30/06	21,203	21,086	117
10/01/06 - 09/30/07	17,374	17,316	58
10/01/07 - 09/30/08	13,380	13,252	128
10/01/08 - 09/30/09	9,869	9,537	332
10/01/09 - 09/30/10	9,216	8,537	689
10/01/10 - 09/30/11	8,339	7,313	1,026
10/01/11 - 09/30/12	7,519	6,170	1,349
10/01/12 - 09/30/13	1,230	943	287

### Memberships Monthly

December 2010 - November 2011		
Month	#	Amount
Dec	809	\$ 45,335
Jan	979	\$ 54,775
Feb	938	\$ 52,650
Mar	1,099	\$ 62,945
Apr	797	\$ 43,800
May	986	\$ 52,995
Jun	683	\$ 37,505
Jul	536	\$ 29,020
Aug	678	\$ 37,980
Sept	793	\$ 44,625
Oct	730	\$ 41,935
Nov	722	\$ 34,595
<b>Total:</b>	<b>9,730</b>	<b>\$ 538,160</b>

December 2011 - November 2012		
Month	#	Amount
Dec	814	\$ 41,835
Jan	929	\$ 49,950
Feb	1,071	\$ 58,985
Mar	897	\$ 49,300
Apr	762	\$ 50,335
May	669	\$ 39,280
Jun	495	\$ 27,465
Jul	660	\$ 37,400
Aug	654	\$ 36,580
Sept	592	\$ 32,530
Oct	445	\$ 25,770
Nov	673	\$ 34,320
<b>Total:</b>	<b>8,661</b>	<b>\$ 483,740</b>

December 2012 - November 2013			Accumul ated total
Month	#	Amount	
Dec	697	\$ 38,440	697
Jan	722	\$ 40,415	1,419
Feb	591	\$ 31,495	2,010
Mar	713	\$ 37,725	2,723
Apr	841	\$ 48,235	3,564
May	624	\$ 35,595	4,188
Jun	595	\$ 32,815	4,783
Jul	591	\$ 32,590	5,374
Aug	540	\$ 30,030	5,914
Sept	508	\$ 29,165	6,422
Oct			
Nov			
<b>Total:</b>	<b>6,422</b>	<b>\$ 356,505</b>	

### Membership Totals

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Jan	7,643	15,869	17,498	16,980	17,421	17,204	17,452	17,829	17,161	15,243	12,983	10,693	9,675	9,978	8,644
Feb	10,059	16,116	16,805	16,759	17,271	17,127	17,488	17,851	17,095	15,207	12,802	10,504	9,788	10,087	8,342
Mar	11,921	16,448	16,563	16,865	17,162	17,250	17,674	17,990	16,913	14,711	12,610	10,549	9,820	10,016	8,399
Apr	12,881	16,806	16,585	17,013	17,117	17,282	17,818	17,975	16,719	14,981	12,431	10,464	9,820	10,000	8,504
May	0	0	16,660	17,173	16,984	17,448	17,961	18,035	16,711	14,913	12,278	10,412	10,134	9,761	8,243
Jun	14,715	17,188	16,765	17,281	17,085	17,455	18,132	18,114	16,571	14,860	12,151	10,288	10,127	9,704	8,306
Jul	15,358	17,413	16,787	17,393	17,129	17,641	18,211	18,154	16,539	14,707	12,046	10,242	10,023	9,751	8,381
Aug	16,217	17,535	16,960	17,449	17,145	17,753	18,266	18,147	16,602	14,525	11,862	10,200	10,027	9,690	8,346
Sept	16,564	17,777	17,071	17,548	17,213	17,882	18,327	18,248	16,391	14,346	11,728	10,150	10,349	9,559	8,153
Oct	17,217	17,862	17,164	17,622	17,326	17,704	18,375	18,316	16,345	14,264	11,666	10,126	10,440	9,522	
Nov	17,993	17,969	17,361	17,727	17,430	17,678	18,508	18,254	16,200	14,148	11,627	10,129	10,440	9,540	
Dec	0	18,038	17,429	17,679	17,548	17,910	18,457	18,194	16,152	14,028	10,942	9,691	10,048	8,795	



Mr. TERRY. Thank you.

Dr. DeHaven, you are recognized for your 5 minutes.

#### STATEMENT OF W. RON DEHAVEN

Dr. DEHAVEN. Thank you, Chairman Terry, Ranking Member Schakowsky and members of the subcommittee. I am here today both as a veterinarian and also as a representative of the American Veterinary Medical Association. Mr. Chairman, while I will be giving an abbreviated statement, I request that my full written testimony be included in the hearing record.

Mr. TERRY. So ordered.

Dr. DEHAVEN. The AVMA is the recognized voice of our Nation's veterinarians, representing more than 84,000 members, or roughly 80 percent of all veterinarians in the United States. My testimony today, though, also represents the joint efforts between AVMA and the American Association of Equine Practitioners. Together we are committed to upholding the health and welfare of our Nation's horses.

I want to thank you for the opportunity to speak today as I believe I have a very unique perspective, having been engaged in this issue since very early in my career. Prior to the AVMA, I was the Administrator with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service and had national responsibility for enforcement of the Horse Protection Act. But even before that, my first role with the USDA was as a field veterinary medical officer, where I gained 6 years of boots-on-the-ground experience enforcing the Horse Protection Act and working at horse shows. I know the walking horse industry and its problems from the ground up.

I want to thank Congressman Whitfield for his leadership in introducing and championing H.R. 1518, the Prevent All Soring Act, or PAST Act. I believe it represents a unique opportunity to once and for all end the cruel and inhumane practice of soring our Nation's walking horses. I have witnessed the long-lasting and damaging effects that soring has on horses and feel that this bill is necessary in order to stop this culture of abuse that has existed for more than 40 years in the walking horse industry.

All of us know what soring is and that it is an unethical and inhumane practice, and it involves deliberately inflicting pain to exaggerate the leg motion of some gaited horses but especially Tennessee Walking Horses, Spotted Saddle Horses and Racking Horses. Not only is it inhumane but it is also unethical, giving an advantage to those trainers who use the practice to achieve this unnatural gait known as the Big Lick.

Horses can be sored with chemicals, which are typically caustic liquids applied to the horse's lower leg, making that leg sensitive to the touch. Action devices, which are bracelet-like chains or rollers, are then placed on the legs and then strike that area of the pastern, exacerbating the pain that has already been sored. Although there is little reason to use these chains in the show ring unless a horse has been sored, the current law still permits their use.

Horses can also be sored using physical methods, resulting in pain when the horse's hoof strikes the ground. A few examples of

this include improperly trimming the hoof to expose sensitive tissues, placing foreign objects such as metal bolts between the shoe pads and the sole of the foot, or improper shoeing techniques. Performance packages or the so-called stacks and pads are often nailed to the horse's natural hoof and secured by a metal band that runs across the hoof wall. That adds weight to the horse's leg, causing the hoof to strike with more force and also at an abnormal angle. These pads can also be used to conceal foreign objects that apply painful pressure to the sole of the horse's foot.

Soring is detected through visual and manual inspections and through the use of various types of technology. Even so, unethical trainers and owners have developed creative ways to avoid detection. These include but are not limited to the use of numbing agents on the horse's legs to mask the pain during the inspection. The use of harsh or even painful training methods called stewarding that teaches the horse if they flinch or otherwise show evidence of pain during inspection, that they will be subject to even more severe abuse.

Looking back, Congress recognized the importance of stopping this egregious practice when they passed the Horse Protection Act with the goal of ending this practice. Unfortunately, the law did not go far enough. Many factors including unethical trainers and owners who continue to sore, show judges who reward this bad behavior, and insufficient funding as well as strong political influences, all of these have contributed to a culture of corruption within the walking horse industry, and that is what allows soring to continue today. Many trainers and owners feel in fact that they must sore if they are going to be competitive.

One of the major drawbacks of the current enforcement program is reliance on the walking horse industry to police itself. This is the proverbial fox watching the henhouse. Industry inspectors commonly have inherent conflicts of interest and therefore it can be to their advantage to let a sore horse into the show ring. Indeed, a 2008 white paper by the American Association of Equine Practitioners as well as the 2010 USDA OIG report confirm this assertion, and both of those reports called for the ending of this self-policing practice. The data submitted with my written testimony shows violation rates vary from year to year, but I want to draw your attention to several points. First, violation rates are never zero. Second, oversight by USDA veterinarians shows that inspectors are much more likely to find violations when in fact they have oversight.

This legislation is endorsed by more than 100 organizations including every veterinary medical association at the State level and the United States. Thus, it means that every member of this subcommittee has constituents who are veterinarians that want this bill passed.

Mr. Chairman, thank you, and thank you to the committee for this opportunity to testify on behalf of the American Veterinary Medical Association.

[The prepared statement of Dr. DeHaven follows:]

TESTIMONY OF

W. Ron DeHaven, DVM, MBA  
American Veterinary Medical Association

Concerning the  
Prevent All Soring Tactics Act  
H.R. 1518

Before the  
Subcommittee on Commerce Manufacturing and Trade  
Committee on Energy and Commerce

November 13, 2013



### Key Points of Testimony

- The American Veterinary Medical Association (AVMA) and the American Association of Equine Practitioners (AAEP) support the passage of H.R. 1518, the Prevent All Soring Tactics (PAST) Act.
- Soring is the unethical and inhumane practice of deliberately inflicting pain (through chemical and physical methods) to exaggerate the leg motion of gaited horses, specifically Tennessee Walking Horses, Spotted Saddle Horses, and Racking Horses. It helps horse show trainers gain an unfair advantage in the show ring, achieving the unnatural gait known as “the big lick.”
- AVMA and AAEP have condemned soring for more than 40 years because of the damaging mental and physical effects it has on horses.
- Congress passed the Horse Protection Act (HPA) in 1970 with the goal of ending the cruel and inhumane practice of soring. Unfortunately, due to many reasons—including insufficient funding and other resources for enforcement; unethical owners and trainers; show judges that reward bad behavior; and strong political influences—the industry is embroiled in a culture of corruption where more than 40 years later, horses are still being sored at an alarming rate.
- The PAST Act takes many important and necessary steps to end soring. It makes the act of soring illegal; overhauls the U.S. Department of Agriculture’s enforcement system; bans incentives to sore; and improves the penalty structure against violators.
- AVMA and AAEP strongly urge the committee and the full U.S. House of Representatives to quickly pass H.R. 1518, the Prevent All Soring Tactics Act, to help ensure the well-being of the nation’s walking horses.

**Testimony**

Thank you Chairman Lee Terry (R-Neb.), Ranking Member Jan Schakowsky (D-Ill.), and members of the subcommittee. I come here today not only as a veterinarian, on behalf of the American Veterinary Medical Association (AVMA), but also as a horse lover and concerned citizen.

I have a unique perspective on this issue, having been engaged on it since early in my career. Prior to being the Executive Vice President and CEO of the AVMA, I served as the administrator of the USDA's Animal and Plant Health Inspection Service, and before that, one of my first roles was as a Veterinary Medical Officer charged with overseeing enforcement of the Horse Protection Act at walking horse shows.

The AVMA is the recognized voice for the nation's veterinarians, representing more than 84,500 members, or roughly 80 percent of all U.S. veterinarians. Our members are engaged in every aspect of veterinary medicine and public health. Among other things, they protect the health and welfare of our nation's animals, help ensure the safety of the food we eat, and protect animal and human health through the prevention and control of zoonotic diseases.

My testimony also represents the ongoing joint efforts between the AVMA and the American Association of Equine Practitioners (AAEP) to end the practice of soring. The AAEP's primary mission is to improve the health and welfare of horses. It reaches more than 5 million horse owners through its more than 10,000 members worldwide, of which nearly 7,800 are right here in the United States. The AAEP is actively involved in ensuring professional ethics, practice management,

research, and continuing education on behalf of the equine veterinary profession and the horse industry.

I come here in strong support of H.R. 1518, the Prevent All Soring Tactics, or PAST Act. This legislation is both timely and necessary, and I thank Congressman Whitfield for introducing this important legislation and being a champion on this issue. We must once and for all end the cruel and inhumane practice of soring of our nation's walking horses. Soring has gone on far too long, and it is something I have personally witnessed the long-lasting and sometimes deadly effects it has on horses. Today, I hope I can persuade you, the members of the subcommittee, to swiftly markup and favorably report the PAST Act, which will provide the resources necessary to protect the health and welfare of our nation's walking horses.

#### **Soring is an Unethical, Inhumane Practice that Harms Walking Horses**

Soring is the unethical and inhumane practice of deliberately inflicting pain to exaggerate the leg motion of gaited horses, specifically Tennessee Walking Horses, Spotted Saddle Horses, and Racking Horses. It helps horse show trainers to gain an unfair advantage in the show ring, achieving the unnatural gait that is known as "the big lick."

Horses are sored through chemical or physical methods. The chemical methods involve applying caustic materials, such as kerosene, mustard oil, or diesel fuel, to the horse's lower leg, making it very sensitive to the touch. The leg is then wrapped with plastic for several days to allow the chemicals to "cook," resulting in deep penetration of those chemicals beneath the skin, causing further damage and pain. Action devices, which are bracelet-like chains or rollers, are then

placed on the legs and serve to exacerbate the pain that has been caused by the caustic agents. This further exaggerates the high-stepping gait of these horses to produce the sought-after “big lick.” Accordingly, permitting the use of action devices in the show ring provides an incentive to sore horses. Frankly, there is no reason to use these implements in the show ring, unless the horse is sore.

The U.S. Equestrian Federation, the national governing body for equestrian sports in the United States, disallows action devices in the show ring for all recognized national breed affiliates. This same standard restriction should be adopted for Tennessee Walking Horses, Spotted Saddle Horses and Racking Horses.

Horses may also be sore using physical methods, resulting in pain when the horse’s hoof strikes the ground. In an effort to avoid this pain, the horse lifts its legs faster and higher. Examples of physical soring include grinding or trimming the hoof and/or sole to expose sensitive tissues, inserting hard objects between the shoe pads and the sole, over-tightening metal hoof bands, using improper shoeing techniques, or purposefully causing laminitis, also known as “founder.” Founder is an extremely painful condition of the hoof, necessitating euthanasia in severe cases.

Performance packages, also called “stacks” or “pads,” are attached under a horse’s natural hoof and secured by a metal band that runs across the hoof wall. Performance packages add weight to the horse’s leg, causing the hoof to strike with more force and at an abnormal angle to the ground. They typically are made of plastic, leather, wood, rubber or any combination of these materials. They also can be used to conceal other illegal items that apply pressure to the sole of

the horse's hoof. Pressure from these hidden items causes the horse pain so that, upon repeated contact of the affected foot with the ground, the horse again lifts its feet faster and higher in an exaggerated gait.

Currently, horse pads may only be up to 4 inches thick at the heel and no more than 2 inches at the toe. Some can be removed without having to re-shoe the horse and are affixed to the hoof with metal bands. Current law permits pads and chains weighing less than 6 ounces on the show grounds.

Creativity knows no bounds when it comes to causing pain and discomfort to these horses—their owners or trainers will do virtually anything to achieve the “big lick.” No matter which method of soring is used, it is clearly an abusive practice that causes pain to these beautiful horses. Although some horses may recover from the deleterious effects of being sored with rest and training, others suffer irreversible hoof damage and are crippled for life. Horses are often damaged mentally by this abuse, which makes rehabilitation difficult, if not impossible.

#### **The 1970 Horse Protection Act Lacks Adequate Enforcement Capabilities, Funding**

Looking back, Congress recognized that soring is an egregious practice and passed a federal law, the Horse Protection Act (HPA), more than 40 years ago with the goal of ending this abuse. The HPA prohibits horses that are sored from participating in shows, sales, exhibitions, or auctions, and drivers from transporting sored horses to or from any of these events.



Unfortunately, this law did not go far enough. Many factors—including unethical trainers and owners who continue to sore, show judges who reward this bad behavior, insufficient funding and other resources for the U.S. Department of Agriculture to adequately enforce the law, and strong political influences—have contributed to a culture of corruption within the walking horse industry that allows soring to continue. Soring is so common that many trainers and owners feel that they *must* sore to be competitive. It is truly sad that the beautiful, natural, racking gait of these majestic creatures does not get rewarded in the show ring.

As previously mentioned, one of the main issues with the 1970 law is that its enforcement is complicated and riddled with inherent conflicts of interest. The USDA's Horse Protection Program (HPP) is responsible for enforcing the HPA at the national regulatory level. However, in 1976, Congress modified the Horse Protection Act, so that the walking horse show industry mainly polices itself. As many like to say, this system is set up much like a fox watching a henhouse—not a good way to ensure the good welfare of these beautiful horses.

To really understand how the system is set up, let me explain about the individuals and organizations who are involved in its enforcement efforts:

- The first group of individuals consists of **Designated Qualified Persons**, or **DQPs**, who are knowledgeable about the industry and trained by the USDA to detect soring. They are hired by the manager of a horse show event and are responsible for inspecting the horses before they are shown, sold or exhibited in public. There are inherent conflicts of interest with respect to enforcement because DQPs are often friends with, or part of, the industry, and therefore it is to their advantage to allow soring to continue.

- The second group of individuals consists of **Veterinary Medical Officers**, or **VMOs**, who are veterinarians within the USDA's Animal and Plant Health Inspection Service. They are responsible for conducting additional, unannounced inspections. Due to ongoing budget constraints at the USDA, VMOs attend fewer than 10 percent of walking horse shows annually. Data compiled by the USDA at walking horse shows between 2008 and 2010 show that the violation rates are 12 to 30 times higher when VMOs inspect than when DQPs inspect without oversight, indicating that the DQPs are not fully reporting instances of soring.
- The last group is the **Horse Industry Organizations**, or **HIOs**, which are the industry groups that have been approved by the USDA to self-police competitions and the industry. These organizations license DQPs and also have inherent conflicts of interest.

The USDA's Horse Protection Program does an excellent job with the limited resources that they have been given to carry out the Horse Protection Act. Prior to 2011, Congress never came close to appropriating the full \$500,000 that has been authorized in the HPA for its enforcement. However, in fiscal 2012, the program received a significant increase, to \$696,000, which has been maintained through fiscal 2013. This increase has allowed the USDA to take the necessary actions to step up its enforcement, such as implementing regulations that it finalized in May of this year that require all HIOs to assess and enforce minimum penalties for violations of the HPA.

Any increase in funding for the program helps it to maintain, or hopefully increase, the number of shows that USDA inspectors can attend and allows the necessary oversight to be performed to protect the welfare of our walking horses. Unfortunately, once again, the program is facing

another setback because Congress decreased its funding to \$500,000 in the fiscal 2014 House Agriculture Appropriations bill. This decrease in funding will be detrimental to the positive steps forward that the USDA has been able to take against soring over the past few years. Congress must take a strong stand against the abusive practice of soring and commit the necessary funding for the USDA to adequately enforce the HPA.

#### **Detecting Soring is a Thorough Process, Yet Trainers Still Find Ways Around It**

DQPs and VMOs can detect soring through visual inspections and through the use of various types of technology. One way that they can visually inspect a horse is by looking at its posture and legs. The inspectors will typically look for signs of pain, such as a horse that spends an excessive amount of time lying down, is unwilling to move, or has an abnormal posture while standing or walking. By visually inspecting and touching the leg, the DQP or VMO may reveal swelling, pain, abraded skin, or other signs of inflammation. Also, the hair on the horse's lower legs may look abnormal (i.e. be wavy, rippled or curly), and there may be scars caused by cords rubbing around the legs. Sored horses may also move forward very slowly, with short, choppy strides, instead of their natural, beautiful gait.

Inspectors can use technology to detect soring, such as skin swab testing for foreign substances, thermography, blood tests for foreign substances, and radiographs to look for hoof changes and foreign objects. For example, they may swab the horse's lower leg, or pastern region, for foreign substances, and then analyze those samples using gas chromatography or mass spectrometry. Or, they may choose to use thermography to reveal areas of the horse's body that are excessively

warm, meaning they are inflamed or painful, or cold, meaning they are numb or deficient in blood flow; heat and cold are consequences of techniques used to sore or hide soring, respectively. In addition, inspectors may elect to draw blood from the horse to detect drugs that might be used to mask the horse's pain in an effort to avoid detection or take X-rays of the horse's feet to detect pathologic lesions in the bones or see any foreign objects that have been inserted into the shoe or pad. Iris scanning is also being used to identify the horses that have been sored and create databases so that they can be tracked.

Though the DQPs and VMOs have a number of techniques to thoroughly inspect horses for signs of soring, unethical trainers and owners have developed creative ways to avoid detection during the inspection process. Some will use numbing agents on the horse's legs that mask pain during the actual inspection, but wear off by show time. Others will use harsh and/or painful training methods, such as "stewarding," which teach horses that if they flinch or show any signs of soring, that they will be subject to even more pain and abuse. Some devices, known as "distraction devices," may be applied to another location on the horse's body, forcing the horse to focus on the pain the device is causing rather than the pain of being sored in its legs or hooves. Finally, believe it or not, some owners or trainers may switch horses, using a substitute horse for the inspection, but the sored horse in the show, allowing their prize horses to evade the inspection process altogether.

**Soring Violations Continue**

Recently, the USDA began to more stringently enforce the HPA. Disputes between trainers and inspectors escalated in 2006 at the Tennessee Walking Horse National Celebration, the largest annual U.S. walking horse show, when six of 10 horses were disqualified from the grand championship class. That class was subsequently cancelled.

In the fall of 2010, the USDA's Office of the Inspector General (OIG) audited how the agency provided oversight of the Horse Protection Program. It found the show industry's ability to self-regulate inadequate for ensuring that horses are not abused and advised the USDA to abolish the HIO/DQP system.

As you can see in the tables below, the HPA violation rates vary from year to year, but several things remain consistent no matter how you look at the data. First, the violation rates are never zero, which means horses in the United States continue to be subjected to the cruel and inhumane practice of soring.

Second, the violation rates are much higher when DQPs are subject to USDA oversight. This continues to show the failure of the industry's self-policing program.

Finally, this data only shows those horses which have been caught during the inspection process. It does not capture those horses that have been able to evade detection of soring during the inspection process or those which have been pulled from competition rather than subjected to

inspections because of the risk of being caught. This is evidenced by the violation rates over the years at the Tennessee Walking Horse National Celebration. Most recently, in 2012 the violation rate was 8.98 percent and in 2013 was 5.64 percent. This sounds like an improvement until you learn that, in addition to these violations at the 2013 show, 672 entries, or roughly 25 percent, “scratched,” meaning they were pulled from the competition altogether prior to inspection. Though horses can scratch for many reasons, a portion of this number can be attributed to trainers or owners knowing that their horse will not pass inspection due to soring.

Table 1: HPA Violation Statistics 2007-2012

Source: USDA

Year	Total Inspections Performed	Total Violations Issued	Percent in Violation	Number of Inspections with USDA in attendance	Violations Issued with USDA in attendance	Percent in Violation with USDA in attendance	Percent of Violations Issued with USDA in attendance
2007	109,008	629	0.6%	7,984	355	4.4%	56.4%
2008	111,932	637	0.6%	7,245	371	5.1%	58.2%
2009	70,122	889	1.3%	5,798	781	13.5%	87.9%
2010	77,241	1,388	1.8%	7,164	627	8.8%	45.2%
2011	84,023	1,111	1.3%	9,680	587	6.1%	52.8%
2012	71,254	743	1.0%	9,962	582	5.8%	78.3%
<b>Total</b>	<b>523,580</b>	<b>5,397</b>	<b>1.0%</b>	<b>47,833</b>	<b>3,303</b>	<b>6.9%</b>	<b>61.2%</b>

Table 2: HPA Violation Statistics at Tennessee Walking Horse National Celebration 2007-2013

*Source: USDA*

Year	Number of Inspections Performed	Violations Issued	Percent in Violation
2007	1,788	103	5.76%
2008	2,744	187	6.81%
2009	1,949	405	20.78%
2010	2,075	284	13.69%
2011	2,143	203	9.47%
2012	1,849	166	8.98%
2013	1,952	110	5.64%
<b>Total</b>	<b>14,500</b>	<b>1,458</b>	<b>10.06%</b>

In the spring of 2012, the Humane Society of the United States (HSUS) released an undercover video of a trainer and others abusing horses. It aired on ABC Nightline in May 2012 and generated substantial public concern. On Sept. 18, 2012, the trainer in the video, Jackie McConnell, plead guilty of soring, and the U.S. District Judge in Tennessee directed him to pay a fine of \$75,000 and placed him on probation for three years. He and four others have been charged with 31 counts of violating Tennessee anti-cruelty laws. This case marked one of the first criminal indictments ever brought against an individual for violating the HPA in 20 years.

#### **The PAST Act Is Necessary to Protect the Health and Welfare of Walking Horses**

Members of the committee, I could go on and on with data and examples of how damaging soring is to horses and how pervasive it remains in the walking horse industry. The industry will argue that this problem is negligible or nonexistent, but that is simply untrue. It is also false to say that those of us who are focused on the welfare of horses want to eliminate or destroy the walking horse industry. Walking horses have a natural gait that is seamless and beautiful. If this

industry continues to abusively sore their horses, reward bad actors, and deny that there is a problem, then they can only blame themselves for the failing of their industry.

Congress has the opportunity, right now, to take the necessary steps to address the USDA's inadequate ability to enforce the law and, once and for all, end the cruel and inhumane practice of soring. That opportunity rests with passing H.R. 1518, the Prevent All Soring Tactics Act.

The PAST Act takes many necessary steps to eliminate the soring of horses by improving the USDA's enforcement capabilities and strengthening penalties against violators. Specifically, this bill:

- Makes the actual act of soring, or directing another person to cause a horse to become sore, illegal, whereas the current Horse Protection Act only bans showing, transporting, auctioning, or selling a horse that is sore, not the actual practice.
- Prohibits the use of action devices (e.g., boots, collars, chains, rollers, or other devices that encircle or are placed on the lower extremity of the leg of a horse) on any leg of Tennessee Walking Horses, Spotted Saddle Horses, or Racking Horses at horse shows, exhibitions, sales or auctions, and bans weighted shoes, pads, wedges, hoof bands, or other devices (performance packages) that are not used for protective or therapeutic purposes. Action devices may facilitate soring and performance packages may assist in avoiding its detection. The AVMA and AAEP jointly called for a ban on the use of action devices and performance packages in the training and showing of Tennessee Walking Horses in 2012.



- Increases civil and criminal penalties for violations and creates a penalty structure that requires horses to be disqualified for increasing periods of time based on the number of violations.
- Allows for the permanent disqualification of a horse from the show ring after three or more violations.
- Requires the USDA, rather than the current structure of horse industry self-regulation, to license, train, assign and oversee the federal inspectors who will be responsible for enforcing the Horse Protection Act.

This legislation is consistent with recommendations to amend the HPA laid out in the 2008 AAEP white paper, “Putting the Horse First: Veterinary Recommendations for Ending the Soring of Tennessee Walking Horses.” This legislation is also endorsed by more than 100 veterinary, horse industry, and animal protection groups, as well as a number of equine professionals.

Once again, I thank the committee for the opportunity to testify on behalf of the American Veterinary Medical Association. I am pleased to see Congress once again take an interest in ending the cruel and inhumane practice of soring. As a veterinarian, I strongly urge the committee and the full House to swiftly pass the Prevent All Soring Tactics Act.

Thank you.

For more information please visit: [www.avma.org/soring](http://www.avma.org/soring)

Attachments:

1. AVMA Issue Brief on H.R. 1518/S. 1406, the Prevent All Soring Tactics Act
2. AVMA Policy on the *Practice of Soring*
3. AAEP Position on the Practice of Soring
4. AVMA Backgrounder: *Soring in Horses*
5. AVMA Comments on Federal Register Notice Docket No. APHIS-2011-0030
6. AAEP Comments on Federal Register Notice Docket No. APHIS-2011-0030
7. AVMA and AAEP Position on the Use of Action Devices and Performance Packages for Tennessee Walking Horses
8. 2008 AAEP White Paper *Putting the Horse First: Veterinary Recommendations for Ending the Soring of Tennessee Walking Horses*
9. Endorsements List for PAST Act
10. Veterinary Statement of Support for H.R. 1518/S. 1406, the PAST Act
11. AVMA Fact Sheet, *Soring: Unethical and Illegal*
12. AVMA Statement on Celebration Inspection Results, Sept. 13, 2012
13. AVMA-AAEP Joint Letter to the USDA Concerning the Horse Protection Act, Feb. 24, 2012
14. AVMA Soring Booklet

Mr. TERRY. Thank you.

Dr. Bennett, you are now recognized for your 5 minutes.

#### STATEMENT OF JOHN BENNETT

Dr. BENNETT. Thank you. Chairman Terry, Ranking Member Schakowsky and members of the committee, I thank you for the opportunity to be here and discuss H.R. 1518 and impact it would have on the walking horse industry.

I have been a licensed veterinarian for 33 years, and currently I am licensed in the States of Kentucky, Tennessee, Mississippi, Alabama, and Florida. I am a member of the AVMA, the AAEP, Kentucky Veterinary Medical Association, the Tennessee Veterinary Medical Association, the Florida Association of Equine Petitioners, Tennessee Walking Horse Breeders and Exhibitors Association, and also a member of TCVM, which is Traditional Chinese Veterinary Medicine, which correlates to I do acupuncture. I have also been a veterinarian for the Humane Society of the United States to look after the horses that were confiscated from the Jackie McConnell stables in West Tennessee. I have also been a veterinarian for the Humane Society of the United States for horses confiscated in East Tennessee from the Larry Wheeling stables. I have also worked for the USDA and their annual training programs to train the inspectors, the DQPs, that inspect the horses. I have taught classes at those courses. I go through all that merely to say that I am the one person on this panel that every day is out there where the rubber meets the road. My practice is located in Shelbyville, Tennessee. Up to 60 percent of it is made up of Tennessee Walking Horses. The rest are Western Performance Horses, American Saddlebreds, Hunter Jumpers, occasional mule and miniature, I guess to keep me humble.

One thing that I would bring out after we saw the video, nobody in this room should put up with animal cruelty of whatever breed at all. But make no mistake, the Horse Protection Act as it is written today and as it is being proposed today would have no jurisdiction over either one of those cases. The industry, as Mr. Whitfield says, has data that says we are 98 percent compliant. The USDA data says we are 96.6 percent compliant. The reason I am here today is, I feel like that the industry is moving forward.

On the other hand, I get asked if you are opposed to H.R. 1518, then you are for soring horses. That is absolutely not the case. There is not a person on this panel or in this room that doesn't view soring as a cancer on this industry. As a medical professional, I prefer to cut it out with a scalpel blade. H.R. 1518 wants to use a chainsaw.

I was lucky enough in the fall of 2012 to meet in southern Kentucky with Congressman Whitfield to discuss the same issues that we have today, and I too wonder after 40-some years and in the past year since we met, why are we still having these problems? And I would submit to you, ladies and gentlemen, in my opinion, I think the technology has caught up with horse training. Now I think it is time for the Horse Protection Act to catch up to the technology.

I would invite each and every one of you at any time, you don't have to call ahead, come down and ride with me, see what I see. You have got an open invitation.

And with that said, I do want to thank you for the opportunity to be here, and I will do my very best to answer any questions you have. Thank you.

[The prepared statement of Dr. Bennett follows:]

STATEMENT OF JOHN BENNETT, DVM

HOUSE ENERGY AND COMMERCE COMMITTEE  
SUBCOMMITTEE ON MANUFACTURING, COMMERCE AND TRADE

NOVEMBER 13, 2013

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Chairman Terry, Ranking Member Schakowsky and Members of the Subcommittee:

I appreciate the opportunity to provide my statement regarding H.R. 1518 and the negative impacts this proposed legislation would have on the Tennessee Walking Horse as well as the industry, communities and families which depend on this horse for survival.

I have been a licensed veterinarian for 33 years and am currently licensed by the State(s) of Tennessee, Kentucky, Mississippi, Alabama, and Florida. I am a member of AAEP, AVMA, KVMA, TVMA, FAEP, MTAEP (Past President for two years), TCVM and TWHBEA. My current practice is located in Shelbyville, Tennessee, and consists primarily of an equine practice focused on the care of Tennessee Walking Horses, Quarter Horses, Saddlebreds and Hunter Jumpers. Approximately 60% of my current practice involves the care and treatment of Tennessee Walking Horses. A copy of my curriculum vitae has been attached as Exhibit 1.

In addition to working for horse owners and trainers, I have been hired by the Human Society of the United States ("HSUS") to examine and treat horses under their care. Specifically, I was called in to examine and care for Tennessee Walking horses seized by HSUS from the barns of Jackie McConnell and Larry Wheelon in those highly-publicized cases. While these cases involving the HSUS implicated serious animal cruelty issues, which are very important to address, they were not situations controlled by the Horse Protection Act. The HPA applies only if a horse is being transported, exhibited, shown or publicly sold. As a result, neither the HPA as currently written, or as proposed, would address those situations.

Obviously, as a veterinarian, the welfare of the horse is my primary concern. I, along with industry leaders, recognize the history of the Tennessee Walking Horse necessitated enactment of the Horse Protection Act in 1970. However, my personal experience with this breed, as confirmed by the USDA reported 98+% compliance rate over the past several years, confirms the HPA has been effective in achieving its goals. While 100% compliance is of course the goal, a 98+% rate of compliance based on the subjective inspections performed on these animals as part of a competitive event indicates that the industry takes this issue very seriously and has made great strides in eliminating soring.

In November 2012, I along with David Thompson met with Congressman Whitfield concerning the legislation which he and HSUS now propose. During that meeting we discussed the multi-faceted issues that face the industry and the complex nature of those

issues. As a result of that meeting we agreed the industry needed to be a part of the solution and present solutions to move the industry forward

#### **EFFECTS OF THE PROPOSED BILL ON THE TENNESSEE WALKING HORSE INDUSTRY**

The legislation being proposed in H.R. 1518:

- (1) eliminates self regulation by the industry by removing the Horse Industry Organization (“HIO”) system and places responsibility for ALL inspection and enforcement with the USDA; and
- (2) eliminates all “weighted shoes” and all action devices from being worn by Tennessee Walking Horses.

#### **EFFECTS OF ELIMINATION OF HIO SYSTEM:**

The impacts associated with H.R. 1518 are enormous. First, the USDA will be required to scale up its HPA enforcement staff substantially in order to take over the functions now being performed by HIOs. The USDA will be required to hire, train and supervise inspectors to be present at all events. In 2012 alone, there were 403 separate events which affiliated with an HIO – some of which were multi-day events. Based on the

USDA's reports, in 2012 the USDA was present at only 78, or 19%, of those affiliated events.

Under the Whitfield/HSUS proposal, based on 2012 USDA reports, the USDA will have the responsibility of providing trained inspectors for approximately 400 additional events each year which are now currently inspected by USDA certified HIOs. If the USDA increases the costs charged to show managers for providing these inspectors, show managers will likely either (1) choose not to put on a horse show in which case the communities and charities which the shows support will suffer; or (2) choose to not have inspectors present at the event in which case the welfare of the horses will suffer if inspections are not performed.

EFFECTS OF ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES:

H.R. 1518 also calls for the banning of "weighted shoes" as well as action devices for all Tennessee Walking Horses. The impact of this ban would be to decimate the TWH show industry.

The shoes and action devices currently worn by the TWHs while competing in the show ring, define the breed's gait and classifications. As reflected on the document attached as Exhibit 2, several divisions of show horses will be eliminated which represents **the elimination of 85% of the Tennessee Walking Horses currently showing**. This reduction in the numbers and types of horses allowed to compete would economically



devastate the entire industry. Hundreds of millions of dollars invested in horses, farms and homes would be rendered virtually worthless.

#### **INDUSTRY SELF REGULATION IS WORKING**

The current compliance rates reported by the USDA indicate the welfare of the horse is being protected and the industry is achieving the goal of eliminating soring. According to the USDA's APHIS, the HPA compliance rate for HIO-affiliated Tennessee Walking Horse shows was 98.5% over the period from 2009-2012.

The HIO system currently in place allows for the immediate disqualification of a horse found to be noncompliant. Additionally, as private entities, HIOs are able to more quickly enforce penalties against alleged violators since they are not required to follow the due process requirements for public actors such as the USDA.

The AAEP White Paper, "Putting the Horse First: Veterinary Recommendations for Ending Soring of Tennessee Walking Horses", published in August 2008, made several recommendations to address the issue of soring. One recommendation was to eliminate the use of the HIOs' Designated Qualified Persons ("DQP") program which existed in 2008 "since acknowledged conflicts of interest which involve many of them cannot be reasonably resolved, and these individuals should be excluded from the regulatory process." (AAEP White Paper attached as Exhibit 3, p.5).

In response to the AAEP White Paper, SHOW HIO was activated in 2009 and has been responsible for inspecting the majority of horse shows since that time. In 2013, SHOW HIO, one of 13 USDA certified HIOs, has inspected 147 events which represent 44% of affiliated events held this year. One of the many reforms implemented by SHOW HIO was to eliminate the use of DQP inspectors with a conflict of interest. SHOW DQPs are not allowed to have any financial interest in the TWH industry and are required to execute a Statement of No Conflict of Interest each year as part of their certification training. SHOW HIO implemented the most stringent inspection process ever put in place by an industry organization. At the Tennessee Walking Horse National Celebration alone, between 2009 and 2011, SHOW reduced the number of HPA violations at that event alone from 13.7% to 1.1% based on USDA reports.

While the White Paper recommended the use of veterinarians instead of DQPs because of the alleged conflicts of interest which existed in 2008, the use of veterinarians as the primary inspectors is not a simple solution. Veterinarians who treat TWHs as part of their practice would be subject to the same conflicts of interest experienced by the DQPs as discussed in the White Paper. Additionally, the USDA has recently attempted to recruit veterinarians for their HPA enforcement program with very little response. Veterinarians who are currently practicing have little incentive to perform inspections at TWH events which are typically held on weekends given the minimal income generated. As a result, the number of veterinarians who would agree to take on the inspector role would likely not be able to provide coverage for the number of events held each year.

**ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES NOT  
SCIENTIFICALLY AND/OR FACTUALLY SUPPORTED**

The only comprehensive scientific study concerning the effect of the weighted shoes and action devices worn by Tennessee Walking Horses was performed at the University of Auburn ("the Auburn Study"). The Auburn Study was conducted by veterinarians with a wealth of equine knowledge and included three (3) former presidents of the AAEP, the then Dean of the School of Veterinary Medicine at Auburn University as well as veterinarians practicing in the states of Alabama and Tennessee. The study concluded that the shoeing requirements and action device limits currently set out in the HPA and its Regulations were not harmful to the horse. A copy of the Auburn Study has been attached as Exhibit 4.

As recently as June 14, 2012, in a joint statement released by the AAEP and AVMA, the organizations acknowledged "there is little scientific evidence to indicate that the use of action devices below a certain weight are detrimental to the health and welfare of the horses. . . ." Nevertheless, the AAEP and AVMA have joined with HSUS in supporting H.R. 1518 to eliminate weighted shoes and action devices – despite all scientific evidence to the contrary.

Additionally, the current inspection process which includes digital palpation of the horse's pastern as well as examination of the "scar rule" is entirely subjective which can lead to inconsistency. The subjective nature of the inspection process incorporates not only the human element of the inspector but also the unpredictability of the horses being inspected in a busy horse show environment. In 1991, some of the same veterinarians involved in the Auburn Study attempted to address the subjective inspection process and issued the Atlanta Protocol which called for an overall assessment of the horse to include freedom of movement in locomotion and called for inspectors not to rely solely on digital palpation to diagnose soring. This Protocol is not being utilized by USDA inspectors or DQPs despite its recommendations. A copy of the Atlanta Protocol, together with an executive summary of same, has been attached as Exhibit 5.

#### SHOEING REQUIREMENTS:

The shoes currently worn by TWHs are similar to those utilized in other breeds. (Exhibit 6). In fact, the TWH experiences **fewer** incidents of forelimb lameness than is seen in other breeds. This fact, combined with the findings of the Auburn study, indicates there is no scientifically viable basis to support the ban called for in H.R. 1518.

Additionally, the claims by the proponents of this legislation that the current shoeing package is used to hide "pressure shoeing" or other painful techniques is not supported by the documented facts, nor my personal experience and observations. The USDA has

performed digital x-rays on hundreds of horses at the shows it has attended. To my knowledge, the USDA has never found and prosecuted any alleged violator for a pressure shoeing violation.

ACTION DEVICES:

The 98+% compliance rate as documented by the USDA does not support that use of soring chemicals is “widespread” as HSUS and other the supporters of this legislation would have the public believe. Additionally, the “foreign substance” results argued in support of elimination of the action device are fatally flawed and can provide no support for this position.

The HPA prohibits only those substances designed to “sore” or alter the horse’s gait, or those which mask the findings of an inspection process. The only exceptions are a small number of lubricants identified in the Regulations. The current USDA swabbing “protocol” has a zero-tolerance standard for ALL chemicals – even those you would expect to find on a horse such as shampoo and fly spray. There has been no attempt to set a baseline for those substances which might impact the gait of the horse or create a masking effect. The current protocol essentially calls for a sterile horse’s pastern which is not a scientifically-based standard and is wholly unrealistic. As a result, the numbers thrown around by the supporters of this Bill are unscientific, wholly misleading and provide no support for their position.

Additionally, H.R. 1518 supporters argue the action devices cause “scars” on the horse’s pasterns in violation of the “scar rule” regulation adopted in 1979, amended in 1988. The language of the scar rule regulation is outdated as written in light of the conditions of the horses’ pasterns considered at the time its was implemented. The regulation’s language creates a completely subjective examination and results in inconsistent results in its application. At a USDA training session, USDA VMOs disagreed 26% of the time when examining the same horse, at the same time, for scar rule compliance. A copy of an Affidavit and the VMO findings is attached as Exhibit 7.

By way of example, in 2010 the horse The Golden Sovereign was determined by a VMO to be in violation of the “scar rule”. The horse was immediately transported to Rood & Riddle, a Kentucky clinic recognized for its expertise in equine medicine, for examination and documentation. A copy of the Rood & Riddle report of the “scarred” horse is attached as Exhibit 8. As you will note, Dr. Scott Hopper vehemently disagreed with the USDA VMO’s findings and stated “In m opinion this horse should not have been rejected based upon the scar rule. This horse’s pasterns should serve as the poster child for what owners and trainers should strive for their horses to look like. There is no sensitivity to palpation and no hair loss anywhere on the pastern. I don’t understand how a horse can pass through the DQP and then be rejected a short time later.”

**COMMON SENSE REFORMS ARE NEEDED TO CONTINUE TO IMPROVE  
COMPLAINCE AND PROMOTE THE WELFARE OF THE HORSE**

First, as recognized by the AAEP in its White Paper, there exists a “critical” need for one HIO system “for the effective resolution of conflict and the establishment and enforcement of uniform standards and regulations. The current system arrangement of multiple Horse Industry Organizations (HIOs) fails to accomplish this vital need and has resulted in competing interest.” (AAEP White Paper, Exhibit. 3, p.6). The multiple HIOs currently certified by the USDA allow for different levels of inspection and enforcement and caters to the lowest possible denominator instead of holding all participants to the same high standard. In a letter dated June 28, 2012, Dr. Chester Gipson, APHIS Deputy Administrator, documented the fact that HIOs are not required to honor each other’s penalties. Dr. Gibson stated:

This notice clarifies that individuals found to be in violation by an HIO are only suspended from participating in the shows, exhibitions, sales, or auctions that the HIO issuing the suspension is affiliated with, and are not precluded under the final rule from participating in shows affiliated with other HIOs. (Exhibit 9).

As a result, a violator on suspension with one HIO can simply show at events affiliated by a different HIO. This situation actually punishes the HIOs which have the most stringent inspection and enforcement process – a result which severely weakens an HIO’s ability to promote compliance.

Secondly, the use of **OBJECTIVE**, scientifically-accepted testing must be developed and implemented in order to truly bring an end to soring. This need was also recognized by

the AAEP in its White Paper which called for “establishment of objective methods to detect soring.” (White Paper, Exhibit. 3, p.5). These objective testing standards should be accompanied by harsh penalties for those found to be in violation.

Lastly, cooperation between the USDA and the established one HIO will further carry out the purposes of the Horse Protection Act to promote the welfare of the horse.



Mr. TERRY. Thank you, Dr. Bennett.

Ms. Benefield, you are now recognized for 5 minutes.

#### STATEMENT OF DONNA BENEFIELD

Ms. BENEFIELD. I would like to thank Chairman Terry and Ranking Member Schakowsky and distinguished members of the subcommittee for giving me the opportunity to testify here today.

Mr. Chairman, I would like to request that my written testimony and exhibits be admitted into the official record.

Mr. TERRY. All members, your statements will be entered into the record.

Ms. BENEFIELD. My name is Donna Benefield, and I am the Vice President of the International Walking Horse Association. I have been involved in the administration of four USDA-certified inspection programs over the past 25 years. I have inspected thousands of horses for compliance with the Horse Protection Act and its regulations. I have been in hundreds of meetings here in Washington, D.C., with the USDA and the Tennessee Walking Horse Industry to achieve reform in the industry and compliance with the federal law.

When Congress passed the Act in 1970, their intent was to eradicate soring, not regulate it, as is being done under the current horse protection regulations. On April 27, 1979, the Federal Register published the following: "If the horse industry makes no effort to establish a workable self-regulatory program for the elimination of sore horses or if such a program is established but does not succeed in eliminating the sore horse problem within a reasonable length of time, the Department will give serious consideration to the prohibition of all action devices and pads."

This industry has had over 40 years to rid itself of this abuse, and for numerous reasons has not only resisted, but has refused reform at every turn. They have maintained, controlled and regulated soring through fear and intimidation for decades. Back in the 1980s, there were headlines on the front page of the Nashville Tennessean newspaper regarding death threats on me. The FBI became involved, and arranged protection for my husband and me for many years. In the 1990s, we had a horse killed. Years later another horse was poisoned at a horse show.

Due to the time constraints, I am going to share with you only a few things that are done to these horses to enhance their gait and to avoid detection of a violation of the Horse Protection Act. What they do to sore a horse: caustic chemicals are applied to the pasterns—ankles, the cannon bone, or the shin of the horse, then wrap the legs in plastic for 24 to 48 hours. They are tied to the wall. They put duct tape around the wraps to prevent the horse from chewing the wraps off their burning legs, due to the intense pain. They will use an electric grinder to sand the soles of the feet down to the quick until beads of blood come to the surface before applying the shoe. They will insert foreign objects between the soles of the horse's feet and stacks. They will pressure shoe a horse by standing the horse on steel bolts or wooden blocks. They will sand a strip of the hoof wall down to the quick, apply a band across the top of the area and tighten it down with a screwdriver to create

pressure on the sensitive hoof wall or to create additional pressure to the sole of the pressure-shod horse.

I have seen the bands sheared off the hoof near the top of the hoof many times, leaving the horse standing on a bloody nub in a pool of blood in the show ring. At a recent seminar, one of the industry vets instructed attendees what supplies to have in their grooming kit so that they were prepared when this happens.

The reason why these things are not detected during inspection, they steward the horses. Stewarding is when a person will do a mock inspection of the horse's pasterns while another person will hold the horse. When the horse reacts to the pain, the person will hit the horse in the head with a two by four, an ax handle or a baseball bat, among other things, until he stops reacting to the pain. I have seen this many times. He then has been taught not to react during the inspection at the horse show, as seen on the ABC Nightline show with Jackie McConnell that you just saw. They use numbing agents applied topically or injected by the trainer or a sympathetic industry vet to block the pain at shows. They will allow alligator clips to the scrotum, anus, vulva, tongue, tail or the teats of the horse to create a painful distraction during the inspection. They put zip ties or piano wire on the gums of the horse and pull it very tight, creating pain to take their mind off of the pain on their feet. They use glue-on hair, tattooing, sprays, graphite among other things to hide the illegal scars. They put bit burrs under the saddle girth and cinch the girth up tight to create pain to distract the horse. Salicylic acid is used to remove scars. They slather a paste of salicylic acid and alcohol, Cut-Heal or DMSO or whatever onto the pastern, wrap them in plastic for 24 to 48 hours to cook. The horse will typically lie in a stall, breaking out in a sweat, moaning with pain and resist getting to his feet. They then have to go into the stall and beat the horse to his feet, as was seen in the ABC Nightline Jackie McConnell show. After 48 hours, they will take the wraps off and the skin begins to slough off. They then begin the tedious process of literally combing the skin off of the leg, thereby hopefully putting the horse back into compliance with the current Horse Protection scar rule regulation.

The AVMA and the AAEP recently issued a statement on the impact of the pads and chain: "What the science says is that raising the heels—placing a horse on pads and wedge—8 degrees can cause the horse to stumble and tire easily. Additionally, horses placed on pads and wedges showed inflammation in the flexor tendon area of the pastern. Chains that weigh 6 ounces will start to cause hair loss without the use of chemical irritants. Chains heavier than 6 ounces used on horses that have been previously sore will cause open lesions within 2 weeks. We're happy to say we did our homework and, yes, the science that's available appears to support our position. However, the industry has once again missed the point of the AVMA's and AAEP's decision. The AVMA's and AAEP's primary concern—

Mr. TERRY. Please wrap up.

Ms. BENEFIELD [continuing]. Is that the chains and pads are used to exacerbate and hiding soring. For this reason, the IWHA endorses this bill, and we are here today asking for the passage of

H.R. 1518 amendment to correct this chronic 43-year-old problem.  
Thank you.  
[The prepared statement of Ms. Benefield follows:]

Before the  
**U. S. House of Representatives**  
**Committee on Energy and Commerce**  
**Subcommittee on Commerce, Manufacturing, and Trade**

November 13, 2013

**Hearing on the P.A.S.T. Act**  
**HR1518**

**Testimony of**  
**Donna Benefield, Vice President**  
**International Walking Horse Association**

I would like to thank Chairman Terry and Ranking Member Schakowsky, and distinguished members of the sub committee for giving me the opportunity to testify here today. My name is Donna Benefield. I have been involved in the administration of four U.S.D.A. certified inspection programs over the past twenty-five years. I have inspected thousands of horses for compliance with the Horse Protection Act (HPA) and its regulations. I have been in hundreds of meetings here in Washington, with the U.S.D.A. and the Tennessee Walking Horse (TWH) industry, to achieve reform in the industry and compliance with the federal law.

When Congress passed the Act in 1970, their intent was to eradicate soring, not regulate it, as is being done today under the current HPA regulations. On April 27, 1979, the Federal Register published the following:

*".....if the horse industry makes no effort to establish a workable self-regulatory program for the elimination of sore horses or if such a program is established but does not succeed in eliminating the sore horse problem within a reasonable length of time, the Department will give serious consideration to the prohibition of all action devices and pads." (See exhibit #1)*

This industry has had over 40 years to rid itself of this abuse, and for numerous reasons has not only resisted, but has refused reform at every turn. They have maintained, controlled and regulated soring through fear and intimidation for many years. Back in the 1980's there were headlines on the front page of the Nashville Tennessean Newspaper, above the fold, regarding death threats on me and the FBI became involved

and arranged protection for my husband and me for years. In the 1990's we had a horse killed. Years later another horse was poisoned at a horse show.

I would like to quote the American Veterinary Medical Association's (AVMA) response to the TWH industry claims:

*TWH industry: "Only a few bad actors," "Incidence of soring is less than 1%," and "Chains and pads aren't bad, it's the people who abuse them."*

*AVMA: "With respect to 'a few bad actors,' we'd have an easier time believing that if we didn't have evidence of a culture of abuse that has existed for more than four decades. When you have 37 of the 52 horses at the 2011 National Celebration testing positive for one or more anesthetic agents; convictions of trainers like Barney Davis and Jackie McConnell (now with a lifetime disqualification); a 9% HPA violation rate at the 2012 National Celebration (virtually no change from the 9.5% rate at the 2011 event); and violation detection rates that are consistently 5 to 10 times higher when USDA is present at shows to inspect, compared with shows where the industry self-polices; it becomes apparent that this is not 'a few bad actors,' it's a real industry problem." (See exhibit #2, 31, 36 & 38):*

"A few bad actors" as an example would be former and current leaders in the industry, including industry veterinarians. (See exhibit #43, 44, 45, 47 & 48)

Due to time constraints, I'm going to share with you only a few things that are done to these horses to enhance their gait through soring and what is done to avoid detection of a violation of the HPA.

**What they do to sore a horse (See exhibit #3, 17 & 37):**

- **Apply chemicals** to the pasterns (ankles), the cannon bone (shin) of the horse, such as oil of mustard, croton oil, kerosene, lighter fluid, diesel fuel, salicylic acid, WD-40, various types of soaps (dish soap, Gojo, etc.), DMSO, only to name a few. Then wrap the legs in plastic for 24 to 48 hours. During this process, he is often times too sore to stand up in the stall so they tie them to the wall so they will not lie down or try to chew the wraps off their burning legs, due to the excruciating pain. (See exhibit #16, 31 & 35)

- **They will grind the soles** of the feet using an electric grinder, until beads of blood come to the surface, before they apply the stack or shoe. On flat shod horses, they will put false soles over the real soles of the horse's hoof to cover up the abuse. **(See exhibit #18)**
- **There will be claims that there have been no tickets for a pressure-shod horse.** This is false. When a horse is found to be pressure shod or sore in the soles of his feet, the ticket is written as a bilateral sore ticket, not pressure shoeing. **(See exhibit #4 & 4a)**
- **They will apply an alligator clip to** the scrotum, anus, vulva, tongue, tail, or the tits of the horse to create a painful distraction during inspection. **(See exhibit #5)**
- **They will insert foreign objects** between the soles of the horses' feet and the stacks, such as acrylic substances that when intentionally mixed improperly harden like steel and the result is like walking with a rock in your shoe. These are undetectable on the padded horses. **(See exhibit #6)**
- **They will put blocks made of things such as wood,** golf balls, quarters stacked and wrapped in electrical tape, wedges of wood or plastic, seated under the sole of the foot. If the U.S.D.A. is not present they may leave these items in place. They will remove them prior to inspection. **(See exhibit #7)**
- **They will stand a horse on steel bolts or wooden blocks on the sole** of the foot. The horse is tied to a wall so he cannot lie down and is forced to stand on these for hours or days. They are then removed before the horse is shown, but the pain created lasts through the performance. Because the stacks or shoes obstruct access to the sole of the hoof, the effects of this abuse are impossible to detect. **(See exhibits #7 and #8)**
- **They will sand a strip of the hoof wall** down to the quick, and then apply a pad (called a nail on pad) to the bottom of the foot, then attach a stack to this pad. A band is then applied across the top of the area of sanded hoof and tightened down to create pressure on the sensitive sole and hoof wall. **(Exhibit #9 & 10)**
- **I have seen this band sheer off the hoof** near the cornet band in the show ring numerous times, leaving the horse standing on a bloody nub in a pool of blood, in the show ring. At a recent seminar,

one of the industry vets instructed attendees on what supplies to have in their grooming kit, so that they're prepared for when this happens. **(Exhibit #9, 10, 11 & 29)**

**Reasons why these things are not detected during inspection:**

- **They steward the horses.** Stewarding is when a person will do a mock inspection of the horse's pasterns and another person will hold the horse. When the horse reacts to the pain, the person will hit the horse in the head with a 2 x 4, an axe handle, a baseball bat, among other things, until he stops reacting to the pain. He then has been taught not to react to inspection at the horse show. (As seen on the ABC Nightline Show, with Jackie McConnell)
- **They use numbing agents applied topically or injected** by the trainer or a sympathetic industry vet to block the pain, so the horse will not display a pain response during inspection. **(See exhibit #43 & 44)**
- **They put zip ties or piano wire on the gums** of the horse and pull them real tight creating pain to take their mind off of the pain in their feet. **(See exhibit #12)**
- **They put surgical staples under the mane** on the neck of a horse, to create pain and to distract the horse from the pain in his feet.
- **They stand their horses in a bucket of ice water** before going thru inspection to numb them and not be detected by swabbing, when the U.S.D.A. is present and swabbing the horses' pasterns for foreign substances.
- **They use Black Magic spray, tattoo ink, graphite, glue-on hair** to hide illegal scars, just to name a few.
- **They put bit burrs under the saddle** girth and cinch the girth up real tight to create pain somewhere other than their feet. U.S.D.A. had to adopt a rule that all saddles must be removed before inspection, because of the prevalence of this practice. **(See exhibit #13 & 14)**
- **They use sunblock to help to interfere** with the thermograph machine.
- **They inject the horses with drugs** to enable the horse to pass the locomotion and palpation exam.

- **They time their drugs and soring techniques to establish a window.** They practice back at the barn establishing how long the drug or numbing agent will last. They then establish a window for the soring agent, in order to time its effect in and out of the show ring.

**The industry claims that the 6 oz. chain will not cause any damage to a horse's leg.** One must ask, then how are all these horses developing all these scars on the backs of their pasterns? **(See exhibit #15, 19, 20, & 23)**

- **Salicylic acid is used** to assist in keeping the leg scar free and create the appearance of compliance. They slather a paste of salicylic acid and alcohol, Cut-Heal, or DMSO, etc. onto the pastern, wrap them in plastic for 24 to 48 hours. The horse will typically lie in his stall, breaking out in a sweat, moaning with pain, and resists getting to its feet. They then have to go into the stall and beat the horse to his feet as was seen on the ABC Nightline Jackie McConnell Show. After 48 hours, they take the wraps off and the skin begins to slough off. They then begin the tedious process of literally combing the skin off the leg, thereby hopefully putting the horse back into compliance with the current HPA Scar Rule regulation.

**The pads or stacks used on the horses feet can weigh** anywhere from a few pounds to as much as 15 lbs., depending upon the amount of lead they add to the bottom of the stack or insert into the interior of the stack, so as to be undetected by the examiner. **(See exhibit #25 & 26)** The flat shod shoe can weigh from 2 lbs. to 10 lbs. depending upon the type of stock they are made from. **(See exhibit #24)**

The AVMA and American Association of Equine Practitioners (AAEP) recently issued a statement on the impact of pads and chains:

*"What the science says is that raising the heels (placing a horse on pads and wedges) 8 degrees can cause the horse to stumble and tire easily. Additionally, horses placed on pads and wedges showed inflammation in the flexor tendon area of the pastern. Chains that weigh 6 ounces will start to cause hair loss without the use of chemical irritants. Chains heavier than 6 ounces used on horses that have been previously soled will cause open lesions within two weeks. We're happy to say we did our homework and, yes, the science that's available appears to support our position. However, the industry has (once again) missed the point of the AVMA's and AAEP's decision. The AVMA's and AAEP's primary concern is that chains and pads are used to exacerbate and/or hide soring. And they can do so*



*irrespective of their size and/or weight.” (See exhibit #2, 28 & 39)*

In closing, there are several U.S.D.A. certified horse industry inspection programs (HIO) that have such a lengthy history of non compliance that they are on notice from the U.S.D.A. to be decertified. **(See exhibit #32, 33 & 34)**

For all of these reasons, we have endorsed this amendment and are here today asking for the passage of the HR1518 Amendment, to correct this chronic situation. **(See exhibit #30)**

Thank you.

Attached - pictures of the “Big Lick” gait. **(See exhibit #27, 38, 39, 40 & 41)**

Attached - pictures of a sound natural Tennessee Walking Horse gait. **(Exhibit #42)**

Mr. TERRY. Thank you.

Ms. Bippen, you are now recognized for your 5 minutes.

**STATEMENT OF TERESA BIPPEN**

Ms. BIPPEN. Thank you, Mr. Chairman, and I ask that my testimony and exhibits be included in the official record.

Mr. TERRY. And they will be.

Ms. BIPPEN. Thank you. Friends of Sound Horses, or FOSH, is a nonprofit organization that is dedicated to ending the abuse of soring. FOSH is an umbrella organization of 15 gaited horse breeds including the Tennessee Walking Horse, Spotted Saddle Horse and Racking Horse. FOSH has been in existence since 1998 and supports the PAST Act.

For its entire existence, FOSH has been committed to ending soring. During this time, FOSH has worked with the USDA, developed and populated the largest database in existence of HPA violations, built a public Web site with a library of all publications on soring since 1956, sponsored three Sound Horse Conferences, and researched numerous technology solutions to detect soring.

Although we have often heard from the walking horse industry spokesmen that the problem of soring is the result of a few bad apples, the total number of HPA violation records is over 10,000 since the mid-1980s. This history of ongoing violations spans more than 40 years, through trainers, entire families, old and new names, and this is why FOSH has reached the conclusion, as have the other endorsers of this bill, that legislative change is the only solution to end the plague of soring.

FOSH is one of over two dozen national and international walking horse organizations that support the PAST Act. These organizations have been in existence for many years and do not allow padded and chained horses in their show rings. After trying to bring about change in the traditional show world for years, concerned exhibitors and spectators alike abandoned venues like The Celebration. Banning the padded and chained horse has allowed these organizations to thrive because exhibitors and spectators at their shows do not want to be surrounded by the abuse that occurs in the big lick show world nor do they want to exhibit with people who use illegal means to win a ribbon.

Through its research and experience, FOSH has determined that a combination of weak inspections, conflicted DQPs and the failure of HIOs to report violations has created a culture of acceptance in exhibiting sored horses, which routinely hides and misrepresents the data to deceive Congress and the public about the widespread nature of the problem.

A few specific examples of the lack of compliance with the Act among the Big Lick segment of the industry include the USDA reported that at the 2012 Celebration in a random swabbing for signs of foreign, prohibited substances, 145 swab samples of 190 tested positive for foreign substances. This is a 76 percent noncompliance rate. Celebration management, however, announced to the public in news releases that it would be swabbing every horse on the grounds for prohibited foreign substances. They reported only two positive swab samples in almost 2,000 entries while the USDA found 145 in a sample of only 190 horses. Based on examples such

as this one, FOSH has concluded that the current HIO system is broken, or else there would not be such a large discrepancy between the USDA samples and those of the Celebration.

During 2010, 2011, and half of 2012, the violation rate for three compliant HIOs—FOSH, International Walking Horse Association and National Walking Horse Association—was only .02 percent, or only eight violations out of over 42,000 inspections. These three compliant HIOs have perfect inspection records when their shows are attended and audited by the USDA. By contrast, the violation rate at the 2012 Celebration was 9 percent, which is 450 times greater than that of the compliant HIOs.

In August this year, the USDA released figures for the show season through April 2013 that further support passage of PAST. Of 241 HPA violations, 93 percent of the violations were on padded horses. Not only that, but when the USDA inspectors were present at shows this year, the HPA violation rate was 280 percent greater than when the rate at shows at which USDA was not there.

It is the conclusion also of FOSH that weak penalties imposed by noncompliant HIOs are meaningless and do not serve as deterrents. As an example, the top five 2013 Riders Cup contenders share 94 reported HPA violations as reported at the publicly available Web site, HPAdat.us.

Another factor influencing FOSH's support of stronger penalties is the repeat violator list generated by that same Web site. This repeat-violator list is 260 pages long single-spaced. Much stronger penalties are needed to serve as a deterrent as the current penalty structure has been meaningless and ignored by violators for many years.

While FOSH has been a part of efforts to save the Tennessee Walking, Racking and Spotted Saddle industries by providing a network of horse shows where competitors train horses humanely and play fairly and in compliance with the law, we have noticed that the stigma associated with the problems in the Big Lick industry has caused economic harm to our breeds. Because most true horsemen do not want to be associated in any way with animal abuse or illegal activity, fewer horses are being bred, raised, trained, shod, boarded, fed, treated with veterinary care and shown in our breeds. The negative impact on the economy caused by the ongoing presence of soring and the failure of the Horse Protection Act to eradicate the problem is far reaching. The PAST Act is needed to fix the deficiency in the current law, restore honor to the breeds afflicted by soring and bring more people and dollars back into the horse industry.

In closing, FOSH reiterates that its experience, analysis and research have led it to strongly support PAST, which provides for greater penalties, abolishment of the HIO system and elimination of devices that are an integral part of the abuse of soring. Thank you.

[The prepared statement of Ms. Bippen follows:]

Teresa Bippen, President  
Friends of Sound Horses

Friends of Sound Horses, or FOSH, is a nonprofit organization that is dedicated to ending the abuse of soring. FOSH is an umbrella organization of 15 gaited horse breeds including the Tennessee Walking Horse, Spotted Saddle Horse and Racking Horse. FOSH has been in existence since 1998. FOSH supports the Prevent All Soring Tactics (PAST) Act.

For its entire existence, FOSH has been committed to ending soring. During this time, FOSH has worked with the USDA, developed and populated the largest database in existence of Horse Protection Act (HPA) violations, built a public Internet based website with a library of all available publications on soring since 1956, sponsored three Sound Horse Conferences, researched numerous technology solutions to detect soring and attended numerous industry meetings of both performance horse or “big lick” groups and sound horse ones as well. Although we have often heard from Walking Horse industry spokesmen that the problem of soring (including shoeing abuse) is only the result of the actions of a few bad apples, the total number of HPA violation records is in the tens of thousands. This is not a problem with a few bad apples, but a whole rotten barrel. This history of ongoing violations of the law spans more than 40 years, through trainers, entire families, old names and new names and this is why FOSH has reached the conclusion, as have the other endorsers of this bill, that legislative change is the only solution to end the plague of soring of these gaited show horses. We support PAST because all of the big lick factions’ so-called guarantees and promises to bring about an end to the national disgrace of soring horses to win blue ribbons have failed.

FOSH is one of over two dozen national and international Walking Horse organizations that support the PAST Act. These organizations have been in existence for many years and do not allow padded and chained horses in their show rings. After trying to bring about change in the traditional show world for years, concerned exhibitors and spectators alike decided that they had to abandon the venues like The Celebration and the titles that come with such shows. Banning the padded and chained horse has allowed these organizations to thrive because exhibitors and spectators at their shows do not want to be surrounded by the abuse that occurs in the big lick show world nor do they want to exhibit with people who use illegal means to win a ribbon. The horses that are exhibited in these new and vibrant venues do not need stacks, chains, bands or heavy shoes in order to gait or perform. They are shown sound, without gimmicks and devices that aid and conceal the practice of soring. To ensure that that their position on soring and artificial gaits is made clear to exhibitors and the public, these organizations refuse to offer classes for big lick horses.

Through its research and experience, FOSH has determined that a combination of weak inspections, conflicted and compromised DQPs, and the failure of HIOs to report violations to USDA or the public so that the history and actions of violators can be known and monitored, have created not only a culture of acceptance in exhibiting sored horses but also a culture that routinely obfuscates and misrepresents the data and thereby attempts to deceive Congress and the public about the ongoing widespread and rampant nature of the problem. A problem that infects not only major venues like The Celebration but also the one night horse shows that are part of the culture in these breeds – and which has caused a decades-long decline in the

attendance and participation at horse shows, in the value of horses in these breeds, and in the numbers of horses bred.

A few specific examples of the lack of compliance with the Act among the big lick segment of the industry include:

1. USDA reported that at the 2012 Tennessee Walking Horse Celebration in a random swabbing for signs of foreign substances, 145 swab samples of 190 total samples tested positive for prohibited foreign substances. This is a 76% noncompliance rate. Had the USDA tested every horse on the premise, it is likely that the positive results would be even more damning. ([http://www.aphis.usda.gov/animal\\_welfare/hp/downloads/show%20tally%202012%20for%20web.pdf](http://www.aphis.usda.gov/animal_welfare/hp/downloads/show%20tally%202012%20for%20web.pdf))

Celebration management announced to the public in news releases leading up to the 2012 event that it would be swabbing every horse on the grounds for the presence prohibited foreign substances. They reported only 2 positive swab samples. To emphasize: the USDA found 145 positives in a random sample of 190 horses, while the industry program found 2 positives although every one of the over 2000 horses entered was supposedly swabbed and tested, according to its own news release.

Based on examples such as this one, it is our conclusion that overall the current HIO system is duplicitous or at best broken, or else there would not be such a large discrepancy between the USDA samples and those of the Celebration or its Horse Industry Organization inspection program, known as SHOW.

2. During 2010, 2011 and half of 2012, the violation rate for three HIOs with a strong record of compliance with the HPA, FOSH, International Walking Horse Association, and National Walking Horse Association employing rigorous inspections and tough penalties was .02% or only 8 violations out of 42,648 inspections. These three compliant HIOs have perfect inspection records when their shows are attended and audited by the USDA. By contrast, the violation rate at the 2012 Tennessee Walking Horse Celebration, inspected by the noncompliant HIO SHOW, was 9%. (166 horses out of 1849) The violation rate at the 2012 Celebration was 450 times greater than that of the compliant HIOs. Once again, the current HIO system is broken or else the Celebration HPA violation rate would not be 450 times greater than that of compliant HIOs.

3. In August, the USDA released figures for the 2013 show season through April 2013 that further support passage of PAST. Of 241 reported HPA violations, 225 – all but 16 – were on padded horses which is 93% of all violations. And, finally, over 80% of all the violations were reported when the USDA was present. When the USDA inspectors were present this year the HPA violation rate was 280% greater than when the rate at shows at which USDA was not present. This does not take into account the fact that many exhibitors leave when the USDA appears rather than face thorough, diligent inspections. If their horses had been inspected at shows with a USDA presence, the disparity in violation rates would have been even higher.

4. It is the conclusion also of FOSH that weak penalties imposed by noncompliant HIOs are meaningless and do not serve as deterrents.

As an example, the top five 2013 Rider's Cup contenders share 94 reported HPA violations as reported at [www.hpadata.us](http://www.hpadata.us).

<b>Trainer</b>	<b>Reported Career Violations (includes close family members)</b>
Groover	20
Green	20
McConnell	14
Wright	16
Derickson	24
Total	94

Another factor influencing FOSH's support of stronger penalties is the "Repeat Violator" list generated by the publicly available FOSH HPA Violations database. The repeat violator list is 264 pages long, single spaced. Much stronger penalties are needed to serve as a deterrent as the current penalty structure has caused for some a mere inconvenience but been essentially meaningless and ignored by violators for many years.

While FOSH has been a part of efforts to save the Tennessee Walking, Racking and Spotted Saddle industries by providing a network of horse shows where competitors train horses humanely and play fairly and in compliance with the law, we have noticed that the stigma associated with the problems inherent in the big lick industry has caused great economic harm to our breeds. Because most true horsemen do not want to be associated in any way with animal abuse or illegal activity, fewer horses are being bred, raised, trained, shod, boarded, fed, treated with veterinary care, and shown in our breeds. The negative impact on the economy caused by the ongoing presence of soring and the failure of the HPA to eradicate the problem is far-reaching. The PAST Act is needed to fix the deficiencies in the current law, restore honor to the breeds afflicted by soring, and bring more people and dollars back into the horse industry.

In closing, FOSH reiterates that its experience, analysis and research have led it to strongly support PAST which provides for greater penalties, abolishment of the HIO system and elimination of devices that are an integral part of the soring process.

Mr. TERRY. Thank you, Ms. Bippen.

Now, Mr. Hickey, you are now recognized for your 5 minutes, and your statement will be part of the record.

#### **STATEMENT OF JAMES J. HICKEY**

Mr. HICKEY. Thank you very much for the opportunity to present this testimony on behalf of the American Horse Council in support of the Prevent All Soring Tactics Act of 2013.

My name is Jay Hickey. I am the President of the American Horse Council. We are a Washington-based organization that represents the horse industry here in D.C. before Congress and the federal regulatory agencies. Our organization's members include organizations that represent show, racing, recreation and stakeholders.

You have already heard about soring and its mechanics, the pain it causes the horses, the Horse Protection Act, the continued problems with soring in segments of certain breeds in the bill at issue. I would like to explain the position of the American Horse Council and how we came to support this legislation.

It seems strange that an industry would come to the federal government and support additional regulations but there are good reasons for that. When the original bill was introduced at the end of last Congress, the AHC felt it was worthy of review. We asked two of our committees, our animal welfare committee and our horse show committee, to review it. After meetings, numerous calls, emails, lengthy discussions and serious considerations, it was clear that there was strong support for this bill. I think simply stated, everybody felt it was an idea whose time had finally come. The two AHC committees recommended that the board support it, and we now do.

Why do we support this legislation? We support it because soring continues. We have heard testimony about the USDA OIG study. We have heard testimony that a meaningful percent of horses in the performance or Big Lick sector of the walking horse industry are still being sored despite efforts to stop it. Many actions have been initiated over the last 40 years to end this practice, new organizations formed, new promises made, but the problem persists. We support this legislation because soring is garnering more and more adverse and unnecessary publicity for the horse show industry at large.

Witness the press about Jackie McConnell and Larry Wheeling and others. This affects the non-walking horse sector of the show industry. The public sees other breeds doing an animated gait and thinks it is a walking horse and being sored rather than performing its natural gait. That reflects badly on the entire show horse industry.

We support this legislation because federal law to prohibit soring has been on the books for 43 years but it continues in a segment of the walking horse industry. Everyone maintains that they oppose soring but there are differences of opinion on how to stop it.

Almost on the date the Act was passed 43 years ago, these differences have been discussed, debated, argued, litigated, lobbied, and been the subject of federal rulemaking. The discussion has become toxic within the horse industry. The AHC and major show or-

ganizations now believe it is time for the controversy to stop and that only a change to the existing federal law can stop it.

Finally, and most importantly, we support this legislation because it is the right thing to do for the horses.

The AHC believes that we need a federal change to the Horse Protection Act, a change to eliminate action devices and stacks in the Big Lick and performance sectors of the walking horse industry, a change to inaugurate a new inspection program that will rely on independent professionals including accredited veterinarians to inspect the horses involved rather than continuing the current failed DQP program, and a change to provide for uniform and strong penalties including disqualification for life if it comes to that. The Prevent All Soring Tactics Act is the answer. The PAST Act is a narrowly drafted bill that is focused on soring and limited to the problem it is trying to solve. It will change the federal law to end the bickering and debate, reform the regulatory system and finally eliminate soring. The PAST Act does not adversely affect or unnecessarily burden other segments of the show horse industry that are not soring horses and have no history of soring horses.

The following major horse show organizations support the PAST Act: American Association of Equine Practitioners, American Morgan Horse Association, the American Paint Horse Association, American Quarter Horse Association, Appaloosa Horse Club, Arabian Horse Association, Pinto Horse Association of America, American Saddlebred Horse Association, U.S. Equestrian Federation, United Professional Horsemen's Association. There are others, but those are national organizations. That is a large part of the show horse industry.

For those of you who are familiar with the horse industry, it is an industry famous for a lack of uniformity on anything, lack of unanimity on anything, but in this case, there is amazing consensus and support of the PAST Act. We ask you to pass this legislation. After 43 years of federal regulation and soring continuing, it is the right thing to do. We must stop soring, the culture of soring, and pass this legislation. Thank you, sir.

[The prepared statement of Mr. Hickey follows:]



STATEMENT OF JAMES J. HICKEY, JR.  
PRESIDENT  
AMERICAN HORSE COUNCIL

REGARDING THE PREVENT ALL SORING TACTICS ACT, H.R. 1518

UNITED STATES HOUSE OF REPRESENTATIVES  
ENERGY AND COMMERCE COMMITTEE  
SUBCOMMITTEE ON COMMERCE, MANUFACTURING AND TRADE

November 13, 2013

The American Horse Council (AHC) appreciates the opportunity to testify concerning the Prevent All Soring Tactics Act of 2013 (H.R. 1518) (PAST Act). The AHC supports this important legislation and believes it has the potential to end the abusive practice of soring in the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse industries.

The AHC is a Washington-based association that represents the horse industry before Congress and the federal regulatory agencies. The AHC includes over 120 equine organizations representing all horse breeds and virtually every facet of the horse industry, and individual horse owners, breeders, veterinarians, race tracks, horse shows, trainers, rodeos, farriers, breed registries, horsemen's associations, state horse councils and commercial suppliers.

The horse industry, in all its segments of racing, showing, recreation and work horses, involves 9.2 million horses, nearly 2 million horse owners, has a \$102 billion impact on the U.S. economy and supports 1.4 million full-time jobs. It involves agriculture, sport, entertainment, gaming, recreation, and work horses, all built on the breeding, training,

use and enjoyment of horses and horse activities. The horse show industry by itself involves 2.7 million horses, has a \$28.7 billion economic impact and supports 380,416 jobs.

#### **Soring and the Horse Protection Act**

In the 1950s, some walking horse owners and trainers who wanted to improve their horses' chances of winning began to sore their horses as a shortcut to longer and more conventional training methods. Soring is an abusive practice used to cause pain in the horse's forelegs and produce an accentuated show gait for competition. It usually involves the use of action devices, chemicals, pads, and wedges, alone or in combination with the application of irritating or blistering chemical agents to a horse's forelegs. The accidental injury of a horse while showing, training or any other activity is not considered soring.

As this practice spread in the 1950s and 1960s, public concern over the practice led Congress to pass the Horse Protection Act (HPA of Act) in 1970. The HPA Prohibits sore horses from participating in shows, sales, exhibitions, or auctions or being transported to or from any of these events and established criminal and civil penalties for violations of the Act.

#### **Soring Defined**

According to the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), the agency that enforces the Act:

“Soring is a cruel and inhumane practice used to accentuate a horse’s gait. Soring may be accomplished by irritating or blistering a horse’s forelegs through the injection or application of chemicals or mechanical devices that cause irritation. Soring may also be accomplished by the infliction of cuts, lacerations, or burns, or by the engagement of any practice that could reasonably be expected to cause a horse to suffer pain or distress while walking, trotting or otherwise moving. An accentuated gait may also be accomplished by using inhumane hoof trimming or pressure-shoeing techniques....When it walks, a sored horse responds by quickly lifting its front legs to relieve pain.” (Italics added.) USDA Program Aid No. 1827, The Horse Protection Act.

Simply stated, the purpose of soring is to intentionally cause a horse to suffer pain in the lower part of its front legs in order to produce a higher gait in the show or sales ring. By making it painful for the horse to put weight on its front legs when moving, the horse lifts them in a quick manner when they strike the ground, reacting with a very accentuated lifting of the foot. This produces an exaggerated gait. The addition of action devices and stacks of pads heightens the effects of other methods of soring or causes soring itself to produce an even more accentuated gait.

#### USDA Enforcement

The HPA is enforced by USDA. Unfortunately, USDA has lacked the staff and resources to send a USDA inspector to every Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse show. To bridge the gap, USDA set up a system that allowed the industry to regulate itself.

USDA established a program to license Designated Qualified Persons (DQPs). DQPs are persons familiar with horses who have been trained, licensed and employed by USDA-certified Horse Industry Organizations (HIOs), to check horses for evidence of soring. A DQP must meet the requirements set out in USDA regulations and must be licensed by an HIO certified by USDA. DQPs may be appointed and delegated authority by the management of a horse show or sale to inspect horses to detect those that are sored. By hiring DQPs, show and sale managers may insulate themselves from liability should a sored horse show or be sold at their event. Most managers of shows with Tennessee Walking Horses, Racking Horses, or Spotted Saddle Horses hire DQPs to inspect the horses. Most managers of other shows do not.

DQPs hired by management are responsible for inspecting every Tennessee Walking Horse, Racking Horse and Spotted Saddle Horse before it is shown, exhibited or sold. If they find a soring violation, they must report it to management and management has a legal responsibility to disqualify the sored horse. If USDA, APHIS finds that a DQP is not doing his/her job it may take away his/her license to inspect horses.

Technically, the HPA applies to all horse shows; but because soring is not prevalent in other breeds and segments of the horse industry it has had little impact outside the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse industries. The trigger for USDA enforcement of the Act is the showing, exhibition, auction or transport of a sore horse. For this reason USDA has focused its efforts on those areas of the show community that involve breeds and activities that are most frequently involved in soring. If a breed, discipline, or activity is not soring its horses to exaggerate their gaits, then as a practical matter the Act has likely not adversely affected them.

#### **Continued Prevalence of Soring**

Despite the HPA's forty plus year prohibition on the showing, sale, auction, exhibition, or transport of horses that have been "sored," this practice continues to be a problem in the "big lick" or "performance horse" segments of the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse industries.

In 2010, the USDA Office of Inspector General (OIG) issued a report on the enforcement of the Horse Protection Act Program. The OIG initiated this audit to evaluate the effectiveness of USDA's enforcement of the HPA. The field work was performed from August 2008 through August 2009. To view the complete OIG audit and USDA's response to the recommendations, please visit: <http://www.usda.gov/oig/webdocs/33601-02-KC.pdf>.

The OIG report found that the soring of horses continues in the big-lick and performance sectors of the horse show industry and noted that "... the environment for enforcing the Horse Protection Act is hostile. Many in the ["big lick"] horse show industry do not regard the abuse of horses as a serious problem, and resent USDA performing inspections. The practice of soring has been ingrained as an acceptable practice in the industry for decades. APHIS records showed that there was an environment at horse shows, sales, and other horse-related events in which APHIS employees were subjected to intimidation and attempts to prevent them from inspecting horses."

The OIG Report also noted that at the 2006 Tennessee Walking Horse National Celebration (Celebration) APHIS disqualified all but three horses in the World Grand Championship class due to HPA violations. Show management cancelled the final class, failing to name a World Grand Champion for the first time in 68 years.

USDA, OIG and others who deal with the HPA and soring cite continued instances of soring today. For example, the OIG Report states that during the 2011 Celebration, all of the swabs taken by USDA to test for the presence of prohibited foreign substances on the feet of horses shown tested positive for soring agents, masking or numbing agents used to prevent detection that the horses had been sored. Recently, AHPIS reported that at the 2012 Celebration of 190 horses sampled, 145 tested positive for foreign agents. The report found that for the entire year, USDA tested 478 horses at 24 shows and found that 309 horses, 65%, were positive for foreign substances.

According to USDA, at the 2013 Celebration USDA and DQPs inspected 1,952 horses and 110 violations were found - an approximate 6% violation rate. At the 2012 Celebration, 1,849 horses were inspected and 166 violations found for a 9% violation rate. At the 2011 Celebration 2,143 horses were inspected and 203 violations were found for a 9.5%. It should be noted the total number of horses inspected included the performance horse classes, as well as other classes of walking horses such as trail, pleasure, and planation that do not have issues with soring. These "non-performance" horses usually do not wear big pads and/or chains.

#### **OIG, AAEP, and AVMA Recommendations**

The OIG report found that APHIS' program for inspecting horses for soring was not adequate to ensure that walking horses were not abused; that the budget of less than \$500,000 annually for 40 years was not sufficient; that DQP inspectors used at shows often were involved in the industry, had a conflict of interest, and did not always inspect horses in accordance with the HPA and regulations; that DQPs did not always issue violations to the responsible individual; and that APHIS inspection teams could not ensure that participants who had been suspended for prior HPA violations were not still participating.

The OIG report made several recommendations, including: abolish the current DQP system and establish an inspection process based on independent accredited veterinarians; implement a control to ensure that individuals suspended from horse shows, sales, or exhibitions due to HPA violations do not participate in subsequent event; seek the

necessary funding from Congress to adequately oversee the Horse Protection Program; and revise and enforce regulations to prohibit horses disqualified as sore from competing in all classes at a horse show, exhibition, or other horse-related event.

Additionally, the American Association of Equine Practitioners (AAEP) and the American Veterinarian Medicine Association (AVMA) in 2008 adopted a position supporting a ban on the use of action devices and pads or performance packages on Tennessee Walking Horses. A joint position paper noted that the motion of action devices in conjunction with chemical irritants on the pastern of the horse's leg creates a painful response, resulting in a more exaggerated gait. "Foreign substances are being detected on the pastern area during pre-show inspections at an alarmingly high rate, according to U.S. Department of Agriculture statistics," the organizations said. Banning action devices from use on Tennessee Walking Horses "reduces the motivation to apply a chemical irritant to the pastern."

AAEP and AVMA also stated that performance packages (also called stacks or pads), made of plastic, leather, wood, rubber and combinations of these materials, that are attached below the sole of the horse's natural hoof and have a metal band that runs around the hoof wall to maintain them in place add weight to the horse's foot, causing it to strike with more force and at an abnormal angle to the ground. They also facilitate the concealment of items that apply pressure to the sole of the horse's hoof. Pressure from these hidden items produces pain in the hoof so that the horse lifts its feet faster and higher in an exaggerated gait.



The AVMA/AAEP statement concluded that “because the inhumane practice of soring Tennessee Walking Horses has continued 40 years after passage of the Horse Protection Act, and because the industry has been unable to make substantial progress in eliminating this abusive practice, the AVMA and the AAEP believe a ban on action devices and performance packages is necessary to protect the health and welfare of the horse.”

It should also be noted, the United States Equestrian Federation (USEF), the national governing body for equestrian sport in the United States, prohibits action devices in the show ring for all recognized national breed affiliates.

#### **PAST Act**

The PAST Act would amend the HPA to add new prohibitions, penalties, and create a new inspection program. The bill incorporates many of the recommendations of the USDA OIG report and the AAEP and AVMA.

#### **Findings**

The bill would add additional findings to the HPA. These new findings include:

- The Inspector General of the Department of Agriculture has determined that the program through which the Secretary inspects horses is inadequate for preventing soring;
- Historically, Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses have been subjected to soring; and

- Despite regulations in effect related to inspection for purposes of ensuring that horses are not sore, violations of the Act continue to be prevalent in the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds.

#### Prohibited Devices and Activities

The PAST act would amend the HPA to prohibit a Tennessee Walking Horse, a Racking Horse, or a Spotted Saddle Horse from being shown, exhibited, or auctioned with an “action device,” or “a weighted shoe, pad, wedge, hoof band or other device or material” if it is constructed to artificially alter the gait of the horse and is not strictly protective or therapeutic. These new prohibitions would not apply to other breeds that have no history of soring. These new prohibitions would not apply to other breed and would not ban the use of therapeutic pads, or bell boots or quarter boots that are used as protective devices.

The bill defines an “action device” as “any boot, collar, chain, roller, or other device that encircles or is placed upon the lower leg of a horse in such a manner that it can rotate around or slide up and down the leg, so as to cause friction, or strike the hoof, coronet band, fetlock joint, or pastern of the horse.” Action device is not defined in the law now, although the HPA regulations presently in force include a definition that is almost identical to this proposed statutory definition. The new definition excludes “soft rubber or soft leather bell boots or quarter boots that are used as protective devices.” Other breeds may continue to use action devices or pads while showing, subject to the current overriding requirement that any devices not actually sore the horse.

Currently, the HPA only prohibits showing, transporting or sale of sore horses at auction, not the actual soring itself. The bill would add soring itself and the “direction” of someone to sore a horse to prohibited activities. It would also make it a violation, subject to the maximum penalties, to knowingly disobey an order of disqualification.

#### Penalties

The legislation would increase the maximum fines and penalties for violations from \$3,000 to \$5,000 and the maximum prison sentence from one year to three years. Individuals with three or more violations could receive a lifetime ban or “disqualification” from participating in horse shows, exhibitions, or auctions.

For individuals subject to a disqualification, the bill would expand the type of prohibited activities beyond showing, exhibiting, judging or managing horse shows. Additional prohibited activities would include transporting or arranging transport of a horse to or from a horse show, exhibition or auction and being present in a warm up area, inspection area or any area of a horse show, exhibition or auction not open to the general public.

Additionally, any horse found to be sore could be suspended from competing for 180 days for the first offense, one year for the second, and three years for the third.

#### New Inspector Licensing Process

The bill would create a new licensing process for horse show inspectors, eliminating the current DQP program, which the USDA OIG Report considered ineffective. The bill

would require the USDA to train, license and appoint new independent inspectors for shows and other HPA-regulated activities that wish to hire an inspector. Licensed or accredited veterinarians would be given preference for these positions. The decision to hire and pay for an inspector would still reside with the management of a show, sale or auction. It would not be made mandatory. Shows or sales that employ DQPs now would begin using USDA-selected inspectors. Shows or sales that choose not to use DQPs now would not be required to use them should the bill pass.

#### **AHC and Horse Industry Support of the PAST Act**

The AHC supports the PAST Act for several reasons. Foremost, because we believe the PAST Act will end the soring of Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses. The AHC has always opposed soring and supports strong the enforcement of the HPA. There is no question that soring is an abusive practice that should not be tolerated or allowed to continue unabated.

The horse industry is very concerned about the welfare of the horses on which our entire industry relies. Various efforts have been made since enactment of the HPA forty-three years ago to stop the soring of horses, and they have not accomplished the purpose of the 1970 Act – to end soring. Improvements to the HPA are clearly needed and justified. Because the PAST Act incorporates most of the recommendations made by the USDA OIG, AAEP and AVMA we believe it will strengthen the HPA and ensure Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses are not abused.

The bill is narrowly focused on the problem it is intended to solve and does not adversely affect or unnecessarily burden other segments of the horse show industry that are not soring horses and have no history of soring horses. The bill will not expand USDA authority with respect to other breeds and disciplines. The HPA only regulates horse shows, exhibits, or auctions and is focused on those involving horses that have been sored and the PAST act would not change that.

It would keep the focus of the HPA on the soring of horses, a practice that has been outlawed for over 40 years. The PAST Act simply re-focuses the current law even more on those sectors of the show industry that have been soring horses, the Tennessee Walking Horse, Racking Horse and Spotted Saddle Horse industries.

The continued prevalence of soring in the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse industry negatively impacts the entire horse industry. The horse industry is very diverse with many different breeds and disciplines. The general public and people outside the industry do not necessarily understand the difference between the “big lick” walking horses and other breeds and disciplines in the horse industry that involve animated gaits. Even though soring is limited to a small subset of the horse industry, those instances of abuse negatively impact perceptions of all segments of the industry.

Soring is damaging the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse industries. On May 27, 2013, Tracy Boyd then President of the Tennessee

Walking Horse Breeders and Exhibitors Association (TWHBEA) issued a statement explaining his vote to endorse the PAST Act. In that statement he said “Our membership numbers are directly affected by the controversy.” He related that in the late 90s and early 2000s, TWHBEA had 20,000 members, a \$5 million dollar budget and 25 or 30 employees and was the second fastest growing breed in America. He went on to state that TWHBEA now has only 8,300 members and fewer than 10 part-time employees. “TWHBEA has lost members in droves, and the brutal emails I have received tell me why. It is our reputation. It is soring. It is our image,” said Boyd. If the soring issue is not addressed, all segments of the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse industry will continue to be negatively impacted.

The AHC did not take the decision to support the PAST Act lightly. Any legislation that impacts any segment of the horse industry in any way is carefully scrutinized by the relevant AHC committees. In this instance the AHC Animal Welfare Committee and Horse Show Committee began to examine the soring bill introduced by Congressman Whitfield in 2012 and assembled a task force to address the bill. The task force was composed of representatives from several AHC member show organizations, including the American Association of Equine Practitioners, the U.S. Equestrian Federation, the American Quarter Horse Association, the American Paint Horse Association, the Tennessee Walking Horse Owners and Breeders Association, the American Morgan Horse Association, the Arabian Horse Association, the American Saddlebred Horse Association and the United Professional Horsemen’s Association.

The taskforce identified several potential changes to the bill that would improve its effectiveness and limit its impact on other segments of the horse industry. Congressman Whitfield incorporated many of these suggestions into the PAST Act when it was introduced in 2013 and the task force, as well as, the AHC Animal Welfare and Horse Show Committees, recommended the AHC support the bill.

### **Conclusion**

The AHC supports this important legislation and believes it has the potential to finally end the abusive practice of soring in the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse industry. The PAST Act has wide support in the horse industry and is endorsed by most major national horse show organizations, including, the American Association of Equine Practitioners, U.S. Equestrian Federation, the American Quarter Horse Association, the American Paint Horse Association, the American Morgan Horse Association, the Pinto Horse Association of America, the Arabian Horse Association, the American Saddlebred Horse Association, the United Professional Horsemen's Association, the Appaloosa Horse Club and many other state and local organizations.

This bill is focused on the problem it is intended to solve and does not adversely affect other segments of the show industry. It is important that this bill be passed to protect the welfare of Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses and protect the economic health of the Walking Horse industry and the entire horse industry.

The AHC appreciates this opportunity to submit testimony to the subcommittee and would be happy to provide any additional information on the PAST Act or the horse industry the subcommittee might need.



Mr. TERRY. Thank you, and all time for the witnesses has concluded, and so at this time it is our opportunity to follow up and ask questions to the panel. As chairman, I get to go first.

So it seems to me that listening and reading your testimony, it boils down into two distinct camps. Maybe "camp" is too strong of a word. Everyone seems to agree that the tactics process that we witnessed in the video clip and that we have read about is horrible and should not be part of the walking horse industry. Where there seems to be a spilt between the testimony here is the need for any additional layer of legislation or H.R. 1518 specifically.

So I think for me, that is where I want to kind of dive down into is why there is opposition to this bill. Now, Commissioner Johnson, you mentioned in your testimony that there is a problem, although it is small, and that there are reasonable solutions. Could you be more specific in what you think would be the better solution? Turn on your microphone.

Mr. JOHNSON. Really, this is an area that I am not an expert in that I look to those who are the experts, and Dr. Bennett has long been recognized as one of those experts that I consult with, and I would like to him to answer those kind of questions. But I don't feel like I have the expertise.

Mr. TERRY. I appreciate that.

So Dr. Bennett, you established your credibility and expertise in an impressive way. So you also mentioned that this bill is not necessary and perhaps goes too far. Would you clarify, A, is there something that should be done? What part of this bill—is any part of H.R. 1518 do you think appropriate and would be effective in stopping these procedures?

Dr. BENNETT. Thank you for the opportunity, and great questions. I would think the greatest part about H.R. 1518 has got us in this room so we can discuss this problem. Now, with that said, Mrs. Benefield, who I consider a friend, brought up the fact, just one thing, I am not going to go through the list, but spurs under their saddles. They go through inspections now, the saddles have to be off. That is mandated. The other thing that I would see is like I said, we have science and technology. I have got three digital X-ray machines that can shoot X-rays and have the results in 6 seconds. I have got three thermography cameras. That measures the physiology of the horse. X-rays measure the anatomy. That is science. There is swabbing that you will hear about. There is machines out there—

Mr. TERRY. Do you X-ray? Is this process done before every show or is this just when an accusation has been brought up that you will go the extent of using this new technology?

Dr. BENNETT. The walking horse industry themselves does not have X-ray machines at their inspections. The USDA when they come in bring their X-ray machines and veterinarians and they have the option to X-ray at their discretion. And that kind of came up—if I may, this kind of came up on the X-rays over a 1979 study from Michigan State University on laminitis.

Mr. TERRY. We play them this Saturday, so I hope you say that you want them to lose. Go forward, though.

Dr. BENNETT. Yes, Kentucky lost basketball and not doing good. But anyway, this is a 1979 study that had to do with horses that

had laminitis and if they could come back and be in the show ring. Anybody that does equine podiatry or works on horses' feet, the science is well past that now. So that is one rule that we are boxed into with radiographs. The good thing is, is the bolts that are under there or any of those things, the X-rays pick those up. You can see them right there on the spot. And that is what I would like to get across is, let us get the science and catch those horses with science objectively before they go in the show ring.

Mr. TERRY. How about the issue that was brought up with conflict of interest with the inspectors? Is there a way to resolve that?

Dr. BENNETT. Yes, it can be resolved. The thing is, they hammer me with 40-some years of history, and I can't argue that. That is the reason I am here. I don't like soring. The problem we have got is with the show, HIO, that Mr. Whitfield was alluding to that it was started in 2009 as a result of the AAEP white paper made the inspectors sign a non-conflict of interest. There are steps in place, but that is one HIO. There are 13 HIOs. Who certifies those HIOs? The USDA. I get hammered all the time at these meetings I go to. We need one HIO. I agree. I agree 100 percent. But there are 13.

Mr. TERRY. Thank you.

Now the ranking member, Ms. Schakowsky, has 5 minutes.

Ms. SCHAKOWSKY. Thank you. Actually, we are, I think, seeing two different worlds, one that says no problem, this may have been a problem, isn't a problem anymore, and another that says that this is ongoing.

Ms. BENEFIELD, I wanted to ask you, how do you account for the testimony that we have heard that the walking horse industry is approaching 98 percent compliance rate, 96 percent compliance with regard to soring that they claim, the discrepancy in what you see happening?

Ms. BENEFIELD. Well, what goes on with a lot of those horses is, trainers or veterinarians will go in and actually numb the horses on the show grounds prior to inspection with topical applications of creams or sprays or they will actually inject them with numbing agents to get them through inspection in addition to the stewarding that I discussed. So the horse is now trained to pas the inspection and not elicit a pain response. That will interrupt your percentage rates significantly, and also, the rates that they are counting on are based on entries. For example, if you have 10 horses at a horse show and that horse goes in one class and he is inspected and turned down, that would be a 10 percent noncompliant rate, but if that horse goes in 10 classes each, that is 100 horses and those of the 100 entries, so now you are looking at a 1 percent. So they dilute the percentages by calling them entries when horses go in multiple classes rather than calling them just individual horse individuals.

Ms. SCHAKOWSKY. Well, how do you know this is happening still? Dr. Bennett says the technologies have caught up and that isn't happening anymore. How do you know it is happening?

Ms. BENEFIELD. Well, I have witnessed it. In fact, at the Celebration, when I worked at the Celebration in 2010, I observed a veterinarian prior to a class actually injecting the horse with numbing agents prior to inspection.

Ms. SCHAKOWSKY. All right. Dr. Bennett, just real quickly because I have another question for—

Dr. BENNETT. It makes no sense to numb a horse. One reason is that we want the exaggerated gait. If you numb his legs, Dr. DeHaven is a licensed veterinarian, he can tell you, they are not going to pick their feet up. The second thing is, if we have the swabbing and the technology, we can check for those numbing agents right there on the spot. Thank you.

Ms. SCHAKOWSKY. Mr. Irby, you have been associated with this industry for such a long time and yet you are here today supporting the legislation. What have you observed?

Mr. IRBY. Over the past year, I actually kind of did my own informal study because I did at one time stand up for the padded performance horse, so I went around from barn to barn and saw that the majority of all of the trainers were either still soring horses, would even tell you what they were doing, applying hand cleaners, WD-40 and kerosene and mustard oil and things like that to their feet, and went all over middle Tennessee, parts of Kentucky, Alabama and other States, and my conclusion was that the majority of everybody, if not everybody, is still soring horses today in the padded performance division and that I could not find one single padded performance horse that had not been sored at some point in their life.

Ms. SCHAKOWSKY. Could you speak to the economic motivation for trainers to sore and for the Horse Industry Organizations to turn a blind eye to the practice?

Mr. IRBY. The main economic factor is that by soring a horse, a trainer can take a colt that might go buy that is 16 or 18 months old and take him to a training barn and within 90 days a colt that they purchased for \$500 to \$5,000 they could sell for as high as \$100,000. So it is a way for them to make a quick buck but it is a detriment to the industry, and it is only about their personal gain.

Ms. SCHAKOWSKY. Thank you. I wanted to ask Ms. Bippen a question. You had talked about at the end of your testimony that there was an economic benefit to the breeds that your represent to end this practice. How do you explain that, that it would actually be beneficial? Because we are hearing testimony how important it is not to have further inspections.

Ms. BIPPEN. Yes. The stigma that has attached to Tennessee Walking Horses has caused quite a few people to not want to own those horses, and even myself when I explain I have Tennessee Walking Horses, I have to explain that they are not show horses and they ask, are they the ones where they take those pads and those chains and they put them in a show ring. So I believe that the Tennessee Walking Horse has a fabulous disposition and many more people should own one, but they just do not want to be associated with that soring, and they don't want to have to worry about participating in shoes where soring takes place. So without that stigma, I believe that industry could grow substantially.

Ms. SCHAKOWSKY. And my time is about up. Thank you very much, all of you, for your testimony.

Mr. LANCE [presiding]. Thank you very much. The chair recognizes the vice chair of the full committee, Congresswoman Blackburn of Tennessee.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

Mr. Hickey, thanks for being here. You are testifying on behalf of the American Horse Council, correct?

Mr. HICKEY. Correct.

Mrs. BLACKBURN. OK. Now, you are testifying for ending the practice of soring, correct?

Mr. HICKEY. Correct.

Mrs. BLACKBURN. OK. Now, the major contributing——

Mr. TERRY. I have to interrupt. Will you pull the microphone closer?

Mrs. BLACKBURN. OK. The major contributing industry to the Horse Council is the Thoroughbred industry, right?

Mr. HICKEY. No.

Mrs. BLACKBURN. Oh, it isn't?

Mr. HICKEY. No.

Mrs. BLACKBURN. OK. I have information that it is, and of course, the Thoroughbred industry has had over 3,000 horses die in the last 4 years, died on the track. So you are saying there is a presumed problem with the Tennessee Walking Horse, and I would like to ask you why you think that is worse than the issue that exists with what the stats would say is the problem with the Thoroughbred industry?

Mr. HICKEY. Well, I am testifying today on the PAST Act. I believe that next week you will have a hearing on the other bill that Ms. Schakowsky and Mr. Whitfield have involving medication in racing. That would be, I think, a more appropriate question then.

Mrs. BLACKBURN. Let me move on.

Mr. HICKEY. But let me just say——

Mrs. BLACKBURN. No, let me move on with my questioning. Let me reclaim my time.

OK. With the number of deaths in the Thoroughbred industry, I am curious as to how you can be a proponent for self-regulation in the Thoroughbred industry but you are not a proponent for self-regulation in the walking horse industry.

Mr. HICKEY. Well, I am not sure that self-regulation is correct. I am a proponent for amending the Horse Protection Act, which has been a federal law in existence for 43 years, to amend it very narrowly, I might point out, to prohibit and finally stop soring, which was passed 43 years ago to try to do. It has not worked. So that was my testimony there.

Mrs. BLACKBURN. OK. Then——

Mr. HICKEY. We are——

Mrs. BLACKBURN. Let me reclaim my time and move on with questions then. So if you are for that, now, let me ask you this, would the American Horse Council support the use of action devices and pads in the other competitive areas where these may be used with other show breeds, and what makes the action device and pad used in the walking horse industry different, and then should all breeds be banned from the use of action devices and pads?

Mr. HICKEY. Well, all breeds—other people help me with this, because this gets into some specific breed questions. Each breed regulates its own showing and classes. All other breeds prohibit the use of action device and the large pads and stacks that we are talking about today in the show ring.

Mrs. BLACKBURN. OK. Let me—

Mr. HICKEY. It is only the performance horses—

Mrs. BLACKBURN [continuing]. Move on to Dr. Bennett then and have him pick this up.

Mr. HICKEY. Can I—one—

Mrs. BLACKBURN. Sure.

Mr. HICKEY. Soring would not be—and again, anybody else. Soring would not be appropriate or helpful in the activities and the classes and the shows of other breeds. In fact, it would be counter-productive. So this Act does not—although it applies to them, it does not apply to them in the same fashion. They don't have—they are not regulated because they don't sore their horses.

Mrs. BLACKBURN. Reclaiming, and Dr. Bennett, you are recognized. Do the pad and action devices cause any harm to the horse?

Dr. BENNETT. I have done exhaustive research myself as best I could, and I cannot find going back to the early 1970s any published scientific literature that says that package or pads on the Tennessee Walking Horses or the action device cause lameness and/or soring.

Mrs. BLACKBURN. OK. And—

Dr. BENNETT. Is there an article out there? Possibly could be. I could not find it.

Mrs. BLACKBURN. OK. In your 33 years of working as a veterinarian and working in the field of walking horse, has the condition of the horses competing in the ring improved with regard to compliance with the Horse Protection Act?

Dr. BENNETT. Yes, I can say that they have improved according to the Horse Protection Act, and I would like to comment about the slide that they show of the Tennessee Walking Horses going around the Celebration ring, and it makes you think that those horses are sore. Those horses that got in the ring have been through the most stringent inspection process of any horse. The horse that they want to show should be the one that got turned out. Just a sideline.

Mrs. BLACKBURN. Thank you. Yield back.

Mr. TERRY. At this point we recognize the gentleman from Kentucky, Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman. Thank all the witnesses for their testimony. I also want to thank my colleague, Mr. Whitfield, and also Congresswoman Schakowsky for their sponsorship of this bill, which I am proud to cosponsor.

I would like to allow Mr. Hickey—it seemed like you wanted to make a distinction between this situation and Thoroughbred racing that you weren't able to make. Would you like to elaborate on your answer?

Mr. HICKEY. Well, I mean, we can go into the late afternoon if we are going to get into other legislation too, but the situation briefly, and I should not be testifying on this, but briefly, the medication legislation and horseracing, it comes down to whether you

should allow race-day medication or not. There is a huge controversy within the racing industry as to whether race-day medication is beneficial or is not beneficial, and that rages on. In the last 2 years, the uniform rules on race-day medication has gone into effect in, I think, 11 different States and will go into effect and there will be uniform rules on January 1. Now, this is something for a future hearing, but I just wanted to point that out. There is no debate within the horse show industry as to whether soring, which is what we are talking about, is appropriate or not.

Mr. YARMUTH. I also want to carry on the conversation that the chairman started about the nature of the objections to the bill, because there are several misconceptions, it seems like, about what the bill—at least differences of opinion about what the bill does or doesn't do, and you made the statement and others have made it that this really wouldn't solve the problem because it doesn't specifically relate to soring, but in Section 2(d)(1)(B), it clearly bans soring, I think, when it states that conduct "causing a horse to become sore or directing another person to cause a horse to become sore" is prohibited. Do you think that—

Dr. BENNETT. Yes, I think what I was—

Mr. YARMUTH [continuing]. Is a sufficient definition? I am sorry. Go ahead.

Dr. BENNETT. No, I am sorry. What I was alluding to is, there again, why are we still having this after 40 years? The problem that I see is that the inspection process is so subjective, and what happens is, a horse gets turned down, say for scar rule violation. If he gets a penalty from one HIO, that penalty is not recognized by another HIO so he can go somewhere else and show. The penalties and the subjectivity of the nature of the inspection is the problem I have. Let us get down to science, and we could get this solved. If we use industry numbers, we are at 98 percent. If we use USDA numbers, we are at 96 percent. We are making progress, and I have talked to the AAEP—I am an AAEP member—and they always say when industry decides that they can show that they want to help themselves, then we will be glad to jump in. We are getting there. We are not at the stage yet that I want to go and say hey, help us, here's what we got. But we do have proof since 2009 when we got the most stringent HIO in place, but what happened, when we penalized those people, they went somewhere else. It is like losing a driver's license in this county but you can go to the next county and drive. It is an inconvenience but you can still drive. If you took their driver's license away for the entire North America, then you have penalized them. Does that answer?

Mr. YARMUTH. Doesn't the original Act deal with transporting horses that have been sore, though?

Dr. BENNETT. Yes, and this is a very emotional issue when you start looking at the type of Jackie McConnell and all that, but there again, the Horse Protection Act doesn't cover that. It covers transport, showing, exhibiting and offering public sale.

Mr. YARMUTH. There obviously also is a dispute over the number of the incidents, the frequency, I guess, of soring, and the number is 97, 98 percent. Obviously Mr. Irby and Ms. Bippen have very different numbers. Do you want to elaborate? I know you have got lots of documentation that you—

Ms. BIPPEN. Yes, I am happy to elaborate on that. We have been analyzing the data for quite a few years, and we always analyze it according to the number of horses at a show, as Ms. Benefield spoke about, so if you have 10 horses at a show and three of them are sore, we consider that a 30 percent noncompliance rate. However, recently the numbers that are coming to us are entries, so if those 10 horses were in 10 classes, that is 100 entries and they would say now that it is only a 3 percent noncompliance rate, and so those are the numbers that are coming back to us now from the noncompliant HIOs. We are unable to find out the actual number of horses entered. Now what they are giving us are the entry rates, and because the flat-shod horses are not sore generally and they are now becoming more popular, what they are going to do is boost up the sound horse rate for those groups.

Mr. YARMUTH. I see. Mr. Irby, do you want to elaborate on that, because you obviously, at least anecdotally, have a very different opinion.

Mr. IRBY. Yes, sir. I actually would like to comment. I can't cite the numbers but if you see the stacks on the table here and the chains, this segment of our industry is where the problem is, and I think what Ms. Bippen is saying is, we don't have this problem, we don't see it hardly at all within the normal regularly shod Tennessee Walking Horse, which that entire division, all those divisions will still be left for the majority with this bill, and this bill eliminates this division where the majority of the problem is, which is less than 10 percent of our entire breed. Thank you.

Mr. YARMUTH. I appreciate that. I yield back, Mr. Chairman. Thank you.

Mr. TERRY. Thank you, Mr. Yarmuth, and at this time recognize the vice chairman of the subcommittee, Mr. Lance, for 5 minutes.

Mr. LANCE. Thank you very much, Mr. Chairman, and good morning to you all, and let me say that I recognize the expertise of everybody on the panel. This is not an area that I know well, but certainly I will continue to review the testimony.

I represent a district in New Jersey that includes the New Jersey area related to the horse industry. There are constituents of mine who this time of year ride to the hounds in places like Bernardsville and Far Hills and Bedminster and perhaps some on the panel are familiar with that area. Although I am from New Jersey and not from the South, I certainly respect and honor the great State of Tennessee. I was honored to go to law school in Nashville, and I have been in Shelbyville as a guest of Mrs. Prentice Cooper, the widow of one of your great Governors, whose son, Jim, is a colleague of ours here in Congress. Jim's brother, William, and my wife and I were in law school together, and I have witnessed the performance in Shelbyville, I believe at the end of the summer, regarding the Tennessee Walking Horse.

To Commissioner Johnson, is it possible to continue showing the Tennessee Walking Horse without soring?

Mr. JOHNSON. I believe the industry has already proven that yes, it is, but certainly there are individuals, bad apples, bad actors in every kind of activity—

Mr. LANCE. Yes, of course, there are bad apples. Perhaps Congress is aware of that in its own responsibilities.

To Ms. Benefield, is it possible to continue to show the Tennessee Walking Horse, eliminating the abuses you suggest that exist?

Ms. BENEFIELD. Yes, I do believe that you can continue showing the walking horse without the abuse. You will notice that according to the records that Ms. Bippen has been expressing to you, there are a lot of shows around the United States that do not use the pad and chain, and for example, in California, a show at the Los Angeles Equestrian Center may have as many as 150 individual horses at a show, and they are all flat shod, and yet at another venue in Los Angeles they will have a padded show, and a big class for them would be two horses or one horse. So the flat-shod horse is continuing to show around the United States, and this problem seems to be more centralized in the South now. It used to be widespread around the United States but it has become more centralized.

Mr. LANCE. Thank you. Let me say not as a question but as a comment, I hope and expect that this is an area where people of good will can come together, and the purpose of this hearing is to elicit information from the distinguished members of the panel who are expert in this area, and I am hopeful, based upon the expertise of everyone on the panel, that a solution can occur, and let me repeat, I recognize the expertise of all on the panel and I do not believe that it is appropriate for one part of the Nation to point a finger at another part of the Nation, and I certainly want to work with everybody on the panel including those from the great State of Tennessee, a State that is very fond to me, and I look forward to continuing this discussion to protect what we need to protect regarding horses, and certainly that is true in New Jersey and particularly the district I serve. I yield back the balance of my time, Mr. Chairman.

Mr. TERRY. Thank you, Mr. Lance. At this time I recognize the gentleman from Missouri, Mr. Long.

Mr. LONG. Thank you, Mr. Chairman. Mr. Chairman, I have given the committee a series of statements from individuals who are deeply concerned about this issue but weren't able to testify before the committee today. I ask unanimous consent that these statements be submitted for the record.

Mr. TERRY. Without objection, so ordered.\*

Mr. LONG. Technology has caught up with the training. I think, Mr. Irby, you talked about—or was that Dr. Bennett? OK. Can you elaborate on that a little bit?

Dr. BENNETT. Yes, sir. Thank you for the question. There again, why are we still having this discussion after 43 years? Why can't we put it to rest? And in my opinion, the subjectivity of the inspection system along with 13 HIOs where there is no penalties that are transferred between them, it makes it a glass ceiling that we can't get above, in my mind. The technology is there now. Before that horse goes in the show ring, he could be tested and make sure that there is no caustic chemicals that we heard about, no numbing agents that we heard about on there. We could X-ray them and make sure there is nothing under that pad. We can have failures

\*The information has been retained in committee files and is also available at <http://docs.house.gov/meetings/ij/if17/20131113/101469/hhrg-113-if17-20131113-sd004.pdf>



there that they can pull the shoes off and put them back on. The technology is there to stop this without taking the industry away. And I would argue with the 10 percent. I think if you read the H.R. 1518, it is weighed shoes, pads, chains. They do make mention that you can still have a therapeutic pad or for protection but that is kind of vague to me.

Mr. LONG. I have heard soring described in several different ways here today, but is it possible through this new technology that you are talking about to tell if they had been sored in the past and healed? Can they heal from this, or can you always see that there is signs where they have been sored in the past?

Dr. BENNETT. Yes, I think you are alluding to, sir, the change in tissue that we saw on the screen earlier, and remember, the skin is an organ just like your heart, just like your liver, just like—

Mr. LONG. But the skin doesn't show up on an X-ray, does it?

Dr. BENNETT. No, sir, but what I am getting to—

Mr. LONG. When you were talking about the X-rays earlier, I understand the deal about the bolts or whatever, but other than they, do they X-ray, or what are you looking for there as far as the soring?

Dr. BENNETT. You could look for pressure shoeing, like Mrs. Benefield said, where they can take and rasp the sole down. We have parameters that we know that certain millimeters of sole depth is protective to the horse's foot. We could measure that with digital X-rays.

Mr. LONG. Also during your testimony, you offered to let us come ride with you which—

Dr. BENNETT. Yes, sir.

Mr. LONG [continuing]. Don't offer, I will probably show up, so don't invite me anywhere because I will always be there. But I didn't get your point on what are we going to see in relation to this topic that would—

Dr. BENNETT. Yes, basically what I was getting to there is, come and see the horses with their clothes off and with their clothes on. Go to the barns and see how they are prepped and see how they are ridden and see them getting ready to go to the shows and go and see how they are inspected and the process that they go through to get into the show ring.

Mr. LONG. OK. Thank you.

And Mr. Irby, you said that—I don't remember the fellow's name now that was on the Nightline tape. How old that Nightline tape?

Mr. IRBY. I believe it is from May of 2012.

Mr. LONG. OK. And what is the fellow's name that was—

Mr. IRBY. Jackie McConnell.

Mr. LONG. OK. And you say that you are friends with him and have been ever since you were a little kid?

Mr. IRBY. I haven't spoken to him in a long, long time but I have known him because my parents have been friends with him—

Mr. LONG. Probably not since May of 2012. Your parents what?

Mr. IRBY. They have been friends with him since I was 5 years old.

Mr. LONG. OK. And someone like that, do they not have a reputation for — I mean, would they not have known before this Nightline tape came out? I mean, I would think that people in any

field if they are doing something that is untoward, illegal—I used to fish a lot of bass tournaments and there were people that were suspected of cheating and later proven to be cheating. Most people knew that they were cheating. Was this not known before this from this individual?

Mr. IRBY. I believe it probably was known. He was actually on a federal suspension at the time and still participating in horse shows, and he is not the exception to the rule. He is the rule. Within the padded performance division, this is typically the way things are, and you pretty much have to cheat or you can't compete.

Mr. LONG. How can it be the rule if 98 percent are compliant?

Mr. IRBY. That is mainly because of the masking agents I believe Ms. Benefield spoke about and things they can do to hide. I would probably have to defer to Dr. DeHaven or Ms. Benefield on that.

Mr. LONG. Let me ask Ms. Benefield, on the numbing agents that you were talking about earlier, I kind of agree with Dr. Bennett. I mean, if you are trying to sore to make them pick up and do this, what do you call the gait again?

Ms. BENEFIELD. Big Lick.

Mr. LONG. The Big Lick, if they are doing this Big Lick, how does numbing agents—I mean, why would that make them pick up their feet if their feet are numb?

Ms. BENEFIELD. The numbing agents don't in fact make them pick up their feet. What the trainers do is, back at the barn they will numb the horses legs and they will establish a window—

Mr. LONG. When you say back at the barn, are you talking about on the day of the event or are you talking about back at the barn at home?

Ms. BENEFIELD. Back at the barn in training, they will establish a window of when they put the numbing agent on and how long it takes for that numbing agent to wear off so that way they have a timing on when to put it on and how long they have before it wears off. So they time it in front of the time they are going to go into the class.

Mr. LONG. A barn at the show or a barn at home?

Ms. BENEFIELD. No, the barn at home. They are establishing their window.

Mr. LONG. They numb it there?

Ms. BENEFIELD. Then they use that same window—

Mr. LONG. I am sorry?

Ms. BENEFIELD. Then they use that same window for their application at the horse show so they know exactly the timing and when to put that agent on and when it will wear off so it will work—so it is no longer numbing the leg when they are in the show ring.

Mr. LONG. Well, that is pretty good science if they can do that. I yield back.

Ms. BENEFIELD. Well, they do.

Mr. TERRY. Thank you. Mr. Kinzinger, do you have any questions?

Mr. KINZINGER. No, Mr. Chairman.

Mr. TERRY. Then the last person is Mr. Whitfield, and he is last because is actually not a member of this subcommittee, although he is the chair of Energy and Power Subcommittee, and so he is

a guest of this subcommittee, and under our rules, the guests go last.

Mr. WHITFIELD. Well, thank you very much, Chairman Terry, and than all the witnesses today as well.

Dr. DeHaven, I want to ask you a couple of questions. Dr. Bennett has referred repeatedly about the subjectivity of inspections to determine soring. Do you agree with him on that issue? Is it subjective or is it objective?

Dr. DEHAVEN. There is some level of subjectivity because most of the inspection is based on a digital palpation where you are palpating those areas of the foot that most likely are to be sore. However, having said that, and with a lot of experience in the field, there has always been good correlation between what the inspector is finding on digital palpation and what the technology, thermography and radiology, will tell you as well. So while Dr. Bennett referred to a lot of this as new technology, in fact, we have been using thermography and radiology X-rays for a number of years. But from a practical standpoint, when you have hundreds of horses that are going through inspection, you can't use that on every animal. So the mainstay of the inspection is digital palpation by that inspector, and indeed, good correlation between what the inspector is finding and what the technology would corroborate.

Mr. WHITFIELD. Well, do you believe that the current HIO DQP system is working?

Dr. DEHAVEN. We have heard a lot about the level of compliance. I have heard numbers like 96.6 percent and 98.5 percent compliance rate. Two points on that. One would argue after 43 years of a goal of zero soring, we really haven't achieved that we meant to years ago. The other is that those compliance rates are based on a self-policing program where you have industry inspectors inspecting the industry. What the statistics also show is that those inspectors that work for the industry are about 10 times more likely to find a violation when they have a USDA veterinarian looking over their shoulder. So those compliance rates assume self-policing. When there is oversight, in fact, the compliance rate goes way down.

Mr. WHITFIELD. Well, it is my understanding that APHIS sends in inspectors only about 6 percent of the shows, and the violation rates are much higher there than they are with the self-policing of the DQPs. Is that correct?

Dr. DEHAVEN. Indeed. If we look at the statistics from 2012 with 71,000 inspections done by the industry, there was a 99 percent compliance rate. However, when they are overseen by a USDA inspector, that compliance rate goes down to about 94 percent. Stated another way, 78 percent of the violations that the industry inspectors found during the 2012 show year were found when USDA was present, even though they are at less than 10 percent of the shows.

Mr. WHITFIELD. Right, right. Well, I don't see why people would be opposed to this legislation. This legislation simply says we will have independent inspectors trained by USDA, hired by the shows, and it is not even mandatory that the shows hire those inspectors. If they don't hire those inspectors, then they are going to be subject to more penalties. But Mr. Irby, do you object to independent in-

spectors trained by the Department of Agriculture and veterinarians on top of that?

Mr. IRBY. No, absolutely not. I am 100 percent in favor of the USDA licensing the inspectors as the bill provides and doing away with the self-regulation system because in 40 years we have proven that we cannot do it, and I believe that is the only way that a truly sound horse will be able to be——

Mr. WHITFIELD. And Mr. DeHaven, do you support the legislation in that sense?

Dr. DEHAVEN. Indeed I do. I think it addresses the self-policing problem. It also narrowly focuses on the areas where the biggest problems are: the use of the pads and chains, which contribute to soring.

Mr. WHITFIELD. Yes, and you also said there is no reason to have one of these on a horse unless he has been sored. Is that correct?

Dr. DEHAVEN. It provides an additional incentive to sore a horse. If you create an injury on that horse's pastern by the practice of soring and now you are going to have a change strike that, you are going to get a much greater reaction than if that animal had not been sored. And so by removing the change, you remove much of the incentive to even sore that horse to begin with.

Mr. WHITFIELD. Now, Tennessee Walking Horses are showed in a lot of places around the country. We have 12 or 13 IHOs, or HIOs, and I am sad to say that the problem does seem to be in the Shelbyville, Tennessee, area, parts of Kentucky where PRIDE has been, and parts of Missouri. Those seem to be the three problem areas. Would you agree with that, Mr. Irby?

Mr. IRBY. Yes, sir, I would. It is a majority in the Southeast but those three are the top three areas.

Mr. WHITFIELD. And what about you, Mr. DeHaven? Would you agree with that?

Dr. DEHAVEN. I would agree, and that is where the concentration of the Big Lick horses is.

Mr. WHITFIELD. And Mr. Bennett, whom I have met with and who I enjoy being with and he is a personable fellow and I am sure he does a great job, but he has been very much involved with the show HIO, and we have the letter from the Department of Agriculture saying that they are notifying them that they are going to decertify their program, and we have another letter, unfortunately, that applies to the Kentucky HIO PRIDE, and another letter to the Missouri. So this program is working—this industry is working well without using soring or action devices in many parts of the country, but in this one geographical area because of self-policing, in my humble opinion, it is not working, and that is why we introduced the legislation.

Dr. BENNETT. And I would agree with that.

Mr. TERRY. Your time is expired and now recognize the gentleman from Kentucky, Mr. Guthrie.

Mr. GUTHRIE. Thank you very much.

Mr. WHITFIELD. Mr. Guthrie, would you just 1 minute?

Mr. GUTHRIE. Yes, I will yield to my friend.

Mr. WHITFIELD. I just wanted to ask for unanimous consent to enter into the record the documents that I gave you all yesterday

that we refer to certain Web sites, and then also a letter from the ASPCA supporting the legislation.

Mr. TERRY. All those documents were submitted to us and to the other side, and there is no objection, so they are entered.

Mr. WHITFIELD. And also from Mr. Yoho, who is a Member of Congress from Florida, his letter about the legislation.

Mr. TERRY. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. GUTHRIE. Thank you, Mr. Chairman.

Mr. Johnson from Tennessee—and I am sorry, I had to step into another committee hearing, so you may have answered this. I know the one question I was going to ask, you did get to, but you talked about the effect of this bill on the industry and Tennessee. I am from Kentucky, just north of—I am in Bowling Green, so I am just a few miles from the Tennessee border, and I understand Shelbyville and I know that area. You talked about it is going to affect the industry in that area, and so my question is, is it bad actors or is it widespread? That is one thing that is hard to get out of all the information I tried to receive. One group is saying it is just a handful of bad actors. There is a handful saying it is widespread. Then you see investigations where just a handful of horses are found and then you see when the USDA comes, they said 52 out of 52 were found. So it is difficult to come up with exactly—what is your opinion? Is it bad actors or is it widespread?

Mr. JOHNSON. What I have testified to here today is the impact it would have on Tennessee's economy, Tennessee rural communities, Tennessee charities that depend on these horse shows for their charitable contributions and fundraising for the year. For the young people that are involved in these organizations of showing horses and so forth, the caring of animals in a proper way, the training of the animal in a proper way, it is a great tool for raising kids with. It is a great activity for families to build their family around. Now, I am not an expert in other areas that deal with whether it is the bad apple or whether it is widespread. That is for folks with more tools than I have available to me. But I can tell you that it will be devastating to eliminate the Big Lick horse, the performance horse from being shown, and I think with all due respect, Chairman, Representative Whitfield, that your bill does much more than what you have described to this committee, and that is my concern. I think it will change the industry around this country tremendously, and I don't have the details to go into that but—

Mr. GUTHRIE. But if it doesn't just prevent soring, then my question is, is preventing soring what is going to hurt the Tennessee economy or having this method of preventing soring?

Mr. JOHNSON. Having this method.

Mr. GUTHRIE. And why is it more—I am just trying to get information, unless you want—I can yield to my friend. Do you want to follow up? Because he brought you into it.

Mr. WHITFIELD. Well, I mean, we are talking about independent inspectors here and we are talking about removing action devices and preventing soring. Other than that, how is that going to hurt your economy so much?

Mr. JOHNSON. Well, the folks that I depend on tell me—and I don't have all the details there and I would be glad to furnish this after the fact if I could.

Mr. WHITFIELD. Sure.

Mr. JOHNSON. But it goes much—your bill goes much further than that and would eliminate really the performance horse.

Mr. WHITFIELD. Well, one organization down there asked me for some specific information about this bill. We sent them a letter explaining in detail that it didn't do what they said, and they refused to put it on their Web site even. So I think there is some misinformation, but basically the bill provides independent inspectors, veterinarians trained by USDA. It gives the show the option of using those inspectors. If they don't use those inspectors and APHIS comes in and finds a violation, then there is pretty severe penalties, but it does eliminate soring and it eliminates the action devices like this, which Mr. DeHaven and others have said are not necessary unless you are soring.

Mr. JOHNSON. Could I interject?

Mr. TERRY. Sure.

Mr. JOHNSON. I agree, I think we need one HIO, OK? The thing that concerns me is, is you said that the show managers have an option if they don't want to use the veterinarian inspectors. If everybody in here is for the welfare of the horse, what worries me is we start having shows that nobody knows about that no inspectors go to, and those bad actors that we got, if we don't get rid of them, they are going to show up there, and if we are after the welfare of the horse, I think we are creating an issue there that we haven't perceived yet.

The second thing I would like to see is—I am sorry.

Mr. GUTHRIE. Well, I just wanted to—Mr. Johnson said a balanced approach, and I was leaving just as I think somebody asked you that, and you were going to give the balanced approach. So how do you stop it then? If this bill is not a way to stop it, then what does stop it?

Mr. JOHNSON. Let me answer that, but let me finish my train of thought with Dr. DeHaven and let him interject his opinion, but my opinion is, and I am all for one HIO. I am all for licensed veterinarians looking at them. I am all for objective testing, and I am for getting rid of soring. But I worry that we will find enough accredited veterinarians that want to go to horse shows on Friday night that start at 6:00 and don't get over with until 2:30 in the morning and then go back Saturday night and go through it again. Dr. DeHaven can answer that better than I can.

Mr. WHITFIELD. Do you want to respond, Dr. DeHaven? It is a preference, anyway.

Dr. DEHAVEN. I think we will only know the answer to that question if and when we are faced with that situation. Clearly, the AAEP, who represents several thousand equine practitioners, feels that that is feasible and the best solution. I think the worst-case scenario that even if we didn't have veterinarians doing the inspection as is the case now, at least they would be independent inspectors—

Mr. WHITFIELD. And trained.

Dr. DEHAVEN [continuing]. Who are trained and assigned by the Department of Agriculture and not an HIO.

Mr. WHITFIELD. Well, that is why—I mean, I do think it is significant that every veterinary—

Mr. TERRY. The gentleman's time has—

Mr. GUTHRIE. I will yield back my time.

Mr. TERRY. Thank you, Mr. Whitfield and Mr. Guthrie, and no one else here to ask questions, so this will conclude our hearing.

Now, under our rules, any of the members can submit questions to you, and it sounds like there is already—Commissioner Johnson, you mentioned that you wanted to supply, please feel free to do that. Once you get those questions from us, if there are any questions to you, we request that within about 14 days that you comply and get those back to us. I am not sure anyone is going to do that but the rules allow that, and I want to let you know that you may get those written questions from the committee.

With that, I want to thank each and every one of you for coming here today and offering your expertise before us. It is extremely helpful to us to have your insights when we are dealing with pieces of legislation. So thank you for being here, and we are adjourned.

[Whereupon, at 11:50 a.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

#### PREPARED STATEMENT OF HON. HENRY A. WAXMAN

Today the Subcommittee will consider H.R. 1518, the PAST Act. I am a proud cosponsor of this legislation, and I strongly support its goal of completely eliminating the cruel and inhumane practice of "soring" from horse shows.

As my colleagues have described, soring refers to a variety of techniques that deliberately cause injury to a horse in order to force the horse to place more pressure on its hind legs and pick up its front limbs quickly, creating the kind of exaggerated, unnatural gait that is unfortunately prized by show judges. It is most commonly inflicted upon the Tennessee Walking Horse, a gentle and elegant breed that suffers great pain from these techniques.

In 1970, Congress passed the Horse Protection Act, or HPA, to prohibit the showing, sale, auction, exhibition, or transport of sored horses, and to direct the U.S. Department of Agriculture (USDA) to administer the law and conduct inspections. Six years later, after too few USDA inspections, a bill amending the legislation to permit non-USDA inspections of horses was enacted.

In the time since the 1970s, the inadequacy of HPA has become strikingly clear. H.R. 1518, introduced by my colleague Mr. Whitfield, with Ms. Schakowsky and others as original cosponsors, would address several of the statute's flaws. First, H.R. 1518 would end the current self-inspecting and self-policing system, which has kept too many soring offenses in the shadows and even allowed repeat offenders to remain on the circuit for years. It would do this by directing the Secretary of Agriculture to pick the inspectors, thereby avoiding the conflicts of interest that arise when those with vested interests select the inspectors. Second, the bill would add to the definition of soring the use of so-called "action devices" on horses' limbs, such as chains and certain weighted shoes. Third, the bill would increase violation penalties and mandate permanent disqualification from any horse show, exhibition, sale or auction after three cited violations.

As we will hear from the witnesses today, the majority of horse trainers, show organizers, and veterinarians recognize that reforms are needed to ensure that walking horse shows are carried out in a fair and humane manner. The problem in the walking horse industry is too deep and the self-policing system is too wrought with conflicts of interest to be fixed by self-regulation; action by Congress is essential.

I want to thank Mr. Whitfield for introducing this bill, because it is the right thing to do, for both the well-being of show horses and the restoration of a fair and sound walking horse industry. I encourage all my colleagues who have not already done so to support the bill. Thank you.

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**Congress of the United States**  
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COMMITTEE ON  
ENERGY AND COMMERCE

SUBCOMMITTEES:  
CHAIRMAN  
ENERGY AND POWER  
HEALTH  
ENVIRONMENT AND ECONOMY

November 12, 2013

The Honorable Lee Terry  
Chairman  
Subcommittee on Commerce,  
Manufacturing, & Trade  
2266 Rayburn House Office Building  
Washington, DC 20515

The Honorable Jan Schakowsky  
Ranking Member  
Subcommittee on Commerce,  
Manufacturing, & Trade  
2367 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Terry and Ranking Member Schakowsky:

Thank you for holding a hearing on H.R. 1518, the Prevent All Soring Tactics Act (PAST) of 2013. I am writing to request that the following items be submitted into the hearing record:

- Link to the United States Department of Agriculture Office of Inspector General Report on the Animal and Plant Health Inspection Service Administration of the Horse Protection Act:  
[http://www.aphis.usda.gov/animal\\_welfare/hp/downloads/stakeholder/attcb23c.pdf](http://www.aphis.usda.gov/animal_welfare/hp/downloads/stakeholder/attcb23c.pdf)
- Link to the Expert Elicitation in Support of the Economic Analysis of the Tennessee Walking and Racking Horse Industry:  
[http://www.aphis.usda.gov/animal\\_welfare/hp/downloads/reports/APHIS%20TN%20Walking%20and%20Racking%20Horse%20E%20final%20report.pdf](http://www.aphis.usda.gov/animal_welfare/hp/downloads/reports/APHIS%20TN%20Walking%20and%20Racking%20Horse%20E%20final%20report.pdf)
- Link to Clayton T. Harlin Sr. Letter in support of the PAST Act:  
<http://clayharlin.blogspot.com/2013/09/past.html>
- Link to the list of violations currently pending  
[http://acisearch.aphis.usda.gov/acis\\_request/faces/DataRequest.jspx?output\\_type=1&request\\_type=801&sd=01-01-2012&ed=12-31-2012&request\\_id=ALL](http://acisearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=801&sd=01-01-2012&ed=12-31-2012&request_id=ALL)
- Written testimony for the record prepared by Keith Dane, Vice President, Equine Protection, The Humane Society of the United States
- List of Endorsements of the PAST Act
- Sports Illustrated articles from August 1955, July 1956, February 1960, and May 1960 referencing horse soring problems that have not changed

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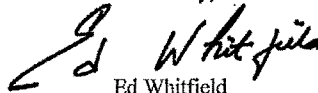
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- Link to the ABC News article on the Jackie McConnell case  
<http://abcnews.go.com/Blotter/accused-tennessee-show-horse-abuser-pleads-guilty/story?id=16405555>
- Link to the Chattanooga Times piece quoting prosecutor in McConnell case expressing frustration that current law is too weak:  
<http://www.timesfreepress.com/news/2012/sep/08/soring-prosecutor-hits-law-warns-horse-tennessee/>
- Letter to the Tennessee Walking Horse Breeders and Exhibitors Association on weighted shoes

Thank you for your attention to this matter. Please do not hesitate to contact Cory Hicks of my staff regarding these submissions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Whitfield". The signature is stylized with a large, sweeping initial "E" and a cursive "Whitfield".

Ed Whitfield  
Member of Congress

## Impacts of Soring on the Tennessee Walking Horse Industry

Membership in the breeders and exhibitors registry	Foals Registered	Celebration attendance		
		YEAR	Ticket sales -- stake night	Ticket sales - total
1997 - 20,000	2003 --- 15299 foals			
2006 - 19,000	2004 --- 15042 foals	2004	29015	162176
2007 - 16,603	2005 --- 13890 foals			
2008 - 13,582	2006 --- 12392 foals	2005	26981	156768
2009 - 10,714	2007 --- 10015 foals			
2011 - 10,048	2008 --- 7419 foals	2006	26103	157460
2012 - 8,661	2009 --- 5664 foals			
2013 - 8,300	2010 --- 4643 foals	2007	24102	141573
	2011 --- 4185 foals			
	2012 --- 2999 foals	2008	22156	139695
		2009	19075	126685
		2010	17168	114017
		2011	18780	123648
		2012	16695	119245
		2013	13356	95400

### **Summary of USDA 2010 – 2011 Foreign Substance Analysis**

According to USDA statistics regarding 2010-2012 foreign substance testing, 83% of samples tested positive for prohibited substances, including soring and numbing agents.

#### **2012**

- At the 2012 National Trainers' Show, 95% tested positive (22 tested, 21 positive) Counterirritants (22 tested/21 positive) = 95%; Masking agents (22 tested/14 positive) = 64%; Numbing agents (22 tested/3 positive) = 14%.
- At the 22<sup>nd</sup> Annual Spring SCWHLA Festival Horse Show, 100% tested positive (5 tested/5 positive). Counterirritants (5 tested/5 positive) = 100%; Masking agents (3 tested/5 positive) = 60%; Numbing agents (5 tested/4 positive) = 80%.
- At the Bedford County 4-H Spring Festival Horse Show, 100% tested positive (5 tested/5 positive). Counterirritants (5 tested/5 positive) = 100%; Masking agents (5 tested/5 positive) Numbing agents (5 tested/5 positive) = 80%.
- At the 2012 Gulf Coast Charity Celebration, 100% tested positive (18 sampled/18 positive). Counterirritants (18 tested/17 positive) = 94%; Masking agents (18 tested/10 positive) = 56%; Numbing agents (18 tested/12 positive) = 67%.
- At the 2012 Cumberland Classic Horse Show, 25% tested positive (4 sampled/1 positive). Counterirritants (4 tested/0 positive) = 0%; Masking agents (4 sampled/1 positive) = 25%; Numbing agents (4 sampled/0 positive) = 0%.
- At the 2012 South Central Ruritan Horse Show, 54% tested positive (13 sampled/7 positive). Counterirritants (13 tested/7 positive) = 54%; Masking agents (13 sampled/5 positive) = 38%; and 4/13 tested positive for numbing agents (31%).
- At the 2012 WHOA Versatility Show, 11% tested positive (18 tested/2 positive). Counterirritants (18 tested/1 positive) = 6%; Masking agents (18 tested/1 positive) = 6%; Numbing agents (18 tested/2 positive) = 11%.
- At the 2012 Petersburg Lions Club Riders Cup, 87% tested positive (15 sampled/13 positive). Counterirritants (15 tested/13 positive) = 87%; Masking agents (13 tested/7 positive) = 54%; Numbing agents (13 tested/9 positive) = 69%.
- At the 2012 Celina Walking Horse Show, 72% tested positive (18 sampled/13 positive). Counterirritants (18 tested/11 positive) = 61%; Masking agents (18 samples tested/9 positive) = 50%; Numbing agents (18 tested/8 positive) = 44%.
- At the 42<sup>nd</sup> Annual Spring Fun Show, 73% tested positive (30 tested/22 positive). Counterirritants (30 tested, 22 positive) = 73%; Masking agents (30 tested/13 positive) = 43%; Numbing agents (30 tested/3 positive) = 10%.
- At the 2012 Brodhead Lions Club Show, 40% tested positive (5 tested/2 positive). Counterirritants (5 tested/2 positive) = 40%; Masking agents (5 tested/2 positive) = 40%; Numbing agents (5 tested/2 positive) = 40%.
- At the 2012 Columbia Spring Jubilee, 50% tested positive (8 tested/4 positive). Counterirritants (8 tested/3 positive) = 38%; Masking Agents (8 tested/2 positive) = 25%; Numbing agents (8 tested/1 positive) = 13%.
- At the 2012 Carter County Shrine Horse Club Show, 80% tested positive (10 tested/8 positive). Counterirritants (10 tested/7 positive) = 70%; Masking agents (10 tested/6 positive) = 60%; Numbing agents (10 tested/2 positive) = 20%.
- At the 2012 Lawrenceburg Lions Club 4<sup>th</sup> Annual TWH Show, 59% tested positive (22 tested/13 positive). Counterirritants (22 tested/9 positive) 41%; Masking agents (22 tested/9 positive) = 41%; Numbing agents (22 tested/6 positive) = 27%.

- At the 6<sup>th</sup> Annual Cumberland County Open Walking Horse Show, 83% were positive (6 tested/ 5 positive). Counterirritants (6 tested/4 positive) = 67%; Masking agents (6 tested/4 positive) = 67%; Numbing agents (6 tested/4 positive) = 50%.
- At the 43<sup>rd</sup> Annual Tennessee Walking Horse Classic, 67% tested positive (3 tested/2 positive). Counterirritants (3 tested/1 positive) = 33%; Masking agents (3 tested/2 positive) = 67%; Numbing agents (3 tested/1 positive) = 33%.
- At the Tony Rice Center Horse Show, 60% tested positive (5 tested/3 positive). Counterirritants (5 tested/3 positive) = 60%; Masking agents (5 tested/3 positive) = 60%; Numbing agents (5 tested/1 positive) = 20%.
- At the 2012 Annual Lions Club of Warren County Walking Horse Show, 75% were positive (8 tested/6 positive). Counterirritants (8 tested/6 positive) = 75%; Masking agents (8 tested/6 positive) = 25%.
- At the 2012 Estill County Fair Horse Show, 100 % were positive (1 tested/1 positive). Counterirritants (1 tested/1 positive) = 100%; Masking agents (1 tested/0 positive) = 0%; Numbing agents (1 tested/1 positive) = 100%.
- At the 2012 Pacific Northwest Jamboree, 24% of horses tested positive (25 tested/6 positive). Counterirritants (25 tested/3 positive) = 25%; Masking agents (25 tested/5 positive) = 20%; Numbing agents (25 tested/0 positive) = 0%.
- At the 2012 Marshall County Horseman's Association Horse Show, 83% were positive (6 tested/5 positive). Counterirritants (6 tested/5 positive) = 83%; Masking agents (6 tested/5 positive) = 83%; Numbing agents (6 tested/0 positive) = 0%.
- At the Illinois State Fair, 50% were positive (6 tested/3 positive). Counterirritants: (6 tested/3 positive) = 50%; Masking agents (6 tested/1 positive) = 16%; Numbing agents (6 tested/1 positive) = 16%.
- At the 2012 Tennessee Walking Horse National Celebration, 76% were positive (190 tested/145 positive). Counterirritants (134/190) = 71%; Masking agents (190 tested/138 positive) = 73%; Numbing agents (190 tested/3 positive) = 2%.
- At the 2012 National in Wilmington OH, 0% were positive (11 tested/0 positive).

**Total for 2012: 65% positive (478 tested, 309 positive).**

**Counterirritants 58%, Masking Agents 56%, Numbing Agents 15%**

#### **2011**

- At the 2011 Celebration, 98% tested positive (156 tested/153 positive) (Counterirritants (52 tested/51 positive) = 98, Numbing Agents (52 tested/37 positive) = 71.1%, Masking Agents (52 tested/45 positive) = 86.5%)
- At the 2011 Fun Show, 95% tested positive (20 tested, 19 positive) (Counterirritants (20 tested/19 positive) = 95%, Numbing Agents (20 tested/13 positive) = 65%, Masking Agents (20 tested/18 positive) = 90%)
- At the 2011 National Trainers Show, 92% tested positive (13 tested, 12 positive) (Counterirritants (13 tested/12 positive) = 92.3%, Numbing Agents (13 tested/7 positive) = 54%, Masking Agents (13 tested/12 positive) = 92.3%)

**Total for 2011 - 97% tested positive (189 tested, 184 positive)**

**Counterirritants 96%, Numbing Agents 67%, Masking Agents 85%**

#### **2010**

- At the 2010 National Trainers Show, 90% tested positive (20 tested, 18 positive) (Counterirritants (20 tested/16 positive) = 80%, Numbing Agents (20 tested/8 positive) = 40%, Masking Agents (20 tested/12 positive) = 60%)
- At the 2010 ETWHTA, White Pine, TN, 95% tested positive (19 tested, 18 positive)

(Counterirritants (19 tested/17 positive) = 89.5%, Numbing Agents (19 tested/3 positive) = 16%, Masking Agents (19 tested/11 positive) = 58%)

- At the 2010 Baileyton Horse Show, 100% tested positive (6 tested, 6 positive)  
(Counterirritants (6 tested/6 positive) = 100%, Numbing Agents (6 tested/1 positive) = 16.6%, Masking Agents (6 tested/5 positive) = 83.3%)
- At the 2010 SSHBEA Mid Season Classic, 50% tested positive (10 tested, 5 positive)  
(Counterirritants (10 tested/5 positive) = 50%, Numbing Agents (10 tested/0 positive) = 0%, Masking Agents (10 tested/0 positive) = 0%)
- At the 2010 Celebration, 86% tested positive (302 tested, 261 positive)  
(Counterirritants (302 tested/238 positive) = 79%, Numbing Agents (302 tested/106 positive) = 35%, Masking Agents (302 tested/184 positive) = 61%)

**Total for 2010 - 86% tested positive (357 tested, 308 positive)**

**Counterirritants 79%, Numbing Agents 33.1%, Masking Agents 59.4%**

**Total for 2010-2012 – 83% tested positive (1024 tested, 801 positive)**

**Counterirritants 88%, Masking Agents 75%, Numbing Agents 41%**

These results suggest that 83% of horses randomly tested at shows attended by USDA during the reporting period had been treated with soring, numbing and/or masking agents. This represents a much larger proportion of noncompliant horses than have been reported by the major USDA-certified horse industry organizations (HIO) as being noncompliant under the HPA as found by their inspections.

For example, the USDA's statistics for the 2011 Celebration indicate that a shocking 98% of the horses randomly tested for prohibited substances had positive test results. By sharp contrast, Dr. Steve Mullins, SHOW HIO President recently claimed "At The Celebration in 2011, the World Championship Horse Show, the compliance rate was over 98% working in cooperation with the USDA inspectors."<sup>1</sup> This discrepancy was repeated in 2012, when the foreign substance testing conducted by the industry identified only 2 horses positive for foreign substances, while USDA testing revealed that 76% of the horses tested were positive.

Between 2008 and 2010, the USDA documented 395 first time foreign substance violators, some of which incurred 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> time violations during this time period. It is obvious that the current penalties are not stringent enough to deter competitors from implementing illegal and cruel practices to place at a competition. These statistics highlight two critical issues: the illegal practice of soring is rampant throughout Tennessee walking horse competitions and the industry, through HIOs, cannot or will not properly uphold the Horse Protection Act.

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<sup>1</sup> Dr. Steve Mullins, "Walking horse industry responds to critical article", March 1, 2012 <http://www.t-g.com/story/>

**Summary of 2010 – 2012 Horse Protection Act Violations Issued by HIOs to Top Winners in Tennessee Walking Horse Industry (Riders Cup Rankings)**

(Does not include USDA disqualifications or post-show foreign substance by GC-MS)

Between 2010 and 2011, USDA-certified horse industry organizations (HIOs) that self-police the Tennessee Walking Horse industry cited each of the top 20 trainers in the industry's 2011 Riders Cup point program for violations of the Horse Protection Act - with a total of 164 citations between them. Of the violations recorded, only 25 percent called for penalties under the industry's self-regulatory scheme, most of which were mere two-week suspensions from showing. Less than 30 percent of those penalties were actually served and some trainers served multiple penalties simultaneously.

During the 2012 show season, the top 15 trainers named in the industry's Rider's Cup point program were all cited for violations of the Horse Protection Act, with a total of 52 citations issued to those 15 trainers during 2012 alone. With the exception of violations of HIOs' own shoeing requirements, none of these citations resulted in the USDA-mandated minimum penalty being served because the HIOs refused to adopt the mandatory minimum penalties as required by a USDA regulation promulgated in June, 2012. Most of the penalties required by the S.H.O.W. HIO are merely fines or 2 week suspensions from showing, even for repeat violations.

These statistics clearly illustrate that soring is still practiced among the top ranks in the Tennessee Walking Horse industry and that the industry's current penalty structure has failed to deter trainers from abusing horses in violation of federal law. Industry officials must be fully aware, based on their own records of these citations, that soring is not limited to a "few bad apples" as some continue to claim.

**Recent HPA Violation Records of 2011 Riders Cup Winners:**

- Of the top 20 trainers participating in the industry's Riders Cup point program in 2011, 100 percent were cited by horse industry organizations for violations of the Horse Protection Act within the previous two years
- In total, 164 violations were cited for these trainers
- Under the penalty structure in place for the largest horse industry organizations, only 25 percent (41 out of 164) of the violations called for penalties, most of which were only two-week suspensions
- Only twelve of those 41 penalties were actually served—and some were served simultaneously by one trainer.

**Recent HPA Violation Records of 2012 Riders Cup Winners:**

- Of the top 15 trainers participating in the industry's Rider's Cup point program in 2012, 93% were cited for violating the Horse Protection Act during the year of 2012 (14 out of 15 trainers).
- In total, 52 citations were issued for these trainers during 2012.
- Under SHOW's penalty structure, 37 of the 52 citations were punishable only by dismissal from the show (of the horse -- not the trainer and his other horses) and a \$100 fine. 10 of the 52 citations were punishable by a 2 week suspension, and 2 of the 52 citations were punishable by 1 year suspensions under the HIO's penalty structure.
- According to the USDA's searchable database of HPA Suspensions, only 10 of the trainers ever served suspensions, none longer than 2 weeks. An additional 10 trainers paid \$100 fines as the exclusive punishment for violating the Horse Protection Act.
- This varies wildly from the USDA's mandatory minimum penalties requirement: for many violations for which a suspension of at least 1 year is required by the HPA regulations, no penalty at all was served, and if there was a penalty imposed it was a maximum of a 2 week suspension.

## Endorsements for the Prevent All Soring Tactics (PAST) Act

(as of 11/12/13)

### Horse Organizations

- |  |   |
|--|---|
| 1. American Horse Council                          | 23. Pennsylvania Equine Council   |
| 2. American Quarter Horse Association              | 24. Pennsylvania Pleasure Walking Horse Association   |
| 3. American Morgan Horse Association               | 25. Pinto Horse Association of America  |
| 4. American Paint Horse Association                | 26. Plantation Walking Horse Association of California  |
| 5. American Saddlebred Horse Association           | 27. Plantation Walking Horses of Maryland   |
| 6. Appaloosa Horse Club                            | 28. Professional Horsemen's Association of America  |
| 7. European Tennessee Walking Horse Association    | 29. Pure Pleasure Gaited Horse Association (Oklahoma)   |
| 8. Fenway Foundation for Friesian Horses           | 30. Sound Trails and Rails Society (Georgia)  |
| 9. For The Tennessee Walking Horse                 | 31. South Carolina Horse Council  |
| 10. Friends of Sound Horses                        | 32. South Dakota Quarter Horse Association  |
| 11. Friesian Horse Association of North America    | 33. Southern Comfort Gaited Horse Club (Idaho)  |
| 12. Gaitway Walking Horse Association (Missouri)   | 34. Tennessee Walking Horse Association of Oklahoma   |
| 13. International Friesian Show Horse Association  | 35. Tennessee Walking Horse Exhibitors Association of Oregon  |
| 14. Maryland Horse Council                         | 36. Tennessee Walking Horse Heritage Society  |
| 15. Mountain Pleasure Horse Association (Kentucky) | 37. Texas State Horse Council   |
| 16. National Plantation Walking Horse Association  | 38. United Pleasure Walking Horse Association (Missouri)  |
| 17. National Walking Horse Association             | 39. United Professional Horsemen's Association  |
| 18. Natural Walking Horses (Europe)                | 40. United States Equestrian Federation   |
| 19. New York State Horse Breeders Association      | 41. Walking Horse Association of Michigan   |
| 20. New York State Horse Council                   | 42. Yankee Walkers/Gaited Horses of New England (Maine/New Hampshire, Massachusetts, Rhode Island/Connecticut, and Vermont) |
| 21. New York State Plantation Walking Horse Club   |   |
| 22. Northern California Walking Horse Association  |   |

### Veterinary and Animal Health Organizations

- |   |   |
|---|---|
| 1. American Veterinary Medical Association              | 35. Nevada Veterinary Medical Association   |
| 2. American Association of Equine Practitioners         | 36. New Hampshire Veterinary Medical Association  |
| 3. National Association of Federal Veterinarians        | 37. New Jersey Veterinary Medical Association   |
| 4. U.S. Animal Health Association                       | 38. New Mexico Veterinary Medical Association   |
| 5. Humane Society Veterinary Medical Association        | 39. New York State Veterinary Medical Association   |
| 6. Veterinarians for Equine Welfare                     | 40. North Carolina Veterinary Medical Association   |
| 7. Alabama Veterinary Medical Association               | 41. North Dakota Veterinary Medical Association   |
| 8. Alaska Veterinary Medical Association                | 42. Ohio Veterinary Medical Association   |
| 9. Arizona Veterinary Medical Association               | 43. Oklahoma Veterinary Medical Association   |
| 10. Arkansas Veterinary Medical Association             | 44. Oregon Veterinary Medical Association   |
| 11. California Veterinary Medical Association           | 45. Pennsylvania Veterinary Medical Association   |
| 12. Colorado Veterinary Medical Association             | 46. Puerto Rico Veterinary Medical Association  |
| 13. Connecticut Veterinary Medical Association          | 47. Rhode Island Veterinary Medical Association   |
| 14. Delaware Veterinary Medical Association             | 48. South Carolina Association of Veterinarians   |
| 15. District of Columbia Veterinary Medical Association | 49. South Dakota Veterinary Medical Association   |
| 16. Florida Association of Equine Practitioners         | 50. Tennessee Veterinary Medical Association  |
| 17. Florida Veterinary Medical Association              | 51. Texas Veterinary Medical Association  |
| 18. Georgia Veterinary Medical Association              | 52. Utah Veterinary Medical Association   |
| 19. Hawaii Veterinary Medical Association               | 53. Vermont Veterinary Medical Association  |
| 20. Idaho Veterinary Medical Association                | 54. Virginia Veterinary Medical Association   |
| 21. Illinois Veterinary Medical Association             | 55. Washington State Veterinary Medical Association   |
| 22. Indiana Veterinary Medical Association              | 56. West Virginia Veterinary Medical Association  |
| 23. Iowa Veterinary Medical Association                 | 57. Wisconsin Veterinary Medical Association  |
| 24. Kansas Veterinary Medical Association               | 58. Wyoming Veterinary Medical Association  |
| 25. Kentucky Veterinary Medical Association             | 59. Donna Preston Moore, DVM, former head of USDA's Horse Protection Program                                |
| 26. Louisiana Veterinary Medical Association            | 60. Michelle Abraham, Resident, New Bolton Center, University of Pennsylvania School of Veterinary Medicine |
| 27. Maine Veterinary Medical Association                | 61. Susan Botts, DVM  |
| 28. Maryland Veterinary Medical Association             | 62. Angela M. Dlon, DVM   |
| 29. Massachusetts Veterinary Medical Association        | 63. Judith L. Ford, Veterinary Technician   |
| 30. Michigan Veterinary Medical Association             | 64. Hanna Galantino-Homer, VMD, PhD   |
| 31. Mississippi Veterinary Medical Association          | 65. Alicia Grossman, DVM  |
| 32. Missouri Veterinary Medical Association             | 66. Sue Lindborg, CVT Research Specialist New Bolton Center   |
| 33. Montana Veterinary Medical Association              |   |
| 34. Nebraska Veterinary Medical Association             |   |



Veterinary and Animal Health Organizations (continued)

- |   |   |
|---|---|
| 67. Midge Leitch, VMD, former head of Radiology, New Bolton Center, University of PA School Of Veterinary Medicine                | 71. Mary Lynn Stanton, DVM  |
| 68. Benson B. Martin, DVM, Associate Professor Sports Medicine, New Bolton Center, University of PA School of Veterinary Medicine | 72. Joy Tomlinson, DVM  |
| 69. Nat Messer, DVM, University of Missouri College of Veterinary Medicine  | 73. Harry Werner, VMD, past president, American Association of Equine Practitioners |
| 70. Mary A. Robinson, VMD, PhD  | 74. Steve O'Grady, DVM, APF   |
|   | 75. Alicia Grossman, DVM  |

Animal Protection Organizations

- |  |   |
|--|---|
| 1. American Society for the Prevention of Cruelty to Animals (ASPCA) | 12. Nevins Farm & Equine Center, Massachusetts Society for the Prevention of Cruelty to Animals |
| 2. Animal Law Coalition  | 13. Oregon Horse Welfare Council  |
| 3. Animal Legal Defense Fund   | 14. Second Chance Ranch (Washington State)  |
| 4. Animal Welfare Institute  | 15. Tennessee Voters for Animal Protection  |
| 5. Dakin Humane Society (Massachusetts)                              | 16. The Humane Society of the United States   |
| 6. Equine Welfare Alliance   | 17. Virginia Alliance for Animal Shelters   |
| 7. Homes for Horses Coalition  | 18. Virginia Equine Welfare Society   |
| 8. Horse Harbor Foundation (Washington State)                        | 19. Virginia Federation of Humane Societies   |
| 9. Humane Society Legislative Fund                                   | 20. Virginia Beach Society for the Prevention of Cruelty to Animals                             |
| 10. Michigan Horse Welfare Coalition                                 |   |
| 11. Mississippi Horses   |   |

Horse Industry Professionals

- |  |  |
|--|--|
| 1. Marty Irby, Past President, Tennessee Walking Horse Breeders and Exhibitors Association                     | 15. Sheryl Rudolph, FITS/Fun in the Saddle, Inc.   |
| 2. Chuck Cadle, Past Executive Director, Tennessee Walking Horse Breeders and Exhibitors Association           | 16. Heather Barklow, Equine Connections, LLC   |
| 3. Georgina Bloomberg, professional equestrian sponsored by Ariat International                                | 17. Diane Sept, Connected Riding Senior Instructor   |
| 4. Leslie Desmond, natural horsemanship clinician and author   | 18. Anita Adams, dressage trainer and FEI rider  |
| 5. Susan Kayne, host of "Unbridled" television show  | 19. Mary Werning, dressage trainer and FEI Rider, USDF Medalist  |
| 6. Pat Parelli, founder of Parelli Natural Horsemanship, a humane training method                              | 20. Maria Lisa Eastman, Raintree Equine Assisted Services, equine therapy program                          |
| 7. Tom Seay, Best of America by Horseback, the top trail riding show on TV                                     | 21. Dr. Christine Telcheira, equine and human chiropractor   |
| 8. Jan Ebeling, dressage trainer, member of the 2012 Olympic dressage team for the USA and co-owner of Rafalca | 22. Gigi Nutter, USDF Gold Medalist, dressage trainer, owner Touch-N-Go Farm                               |
| 9. Gael Borquin, dressage and eventing coach   | 23. Lisa Kelly Simmons, Lipizzan breeder, Past Director of the United States Lipizzan Federation           |
| 10. Dr. April Austin, USDF Bronze, Silver and Gold medalist  | 24. Jayne Fingerhut, MA, CMT, USDF Regional Champion Rider, equine business patent holder and manufacturer |
| 11. Karl Mikolka, Former Chief Rider, Spanish Riding School, Vienna, Austria and USDF Hall of Fame             | 25. Michelle Andrews Sabol, director of an equestrian therapy program                                      |
| 12. E. Allen Buck, Sympathetic Horsemanship  | 26. Holly Mason, Equine Biomechanics Specialist, author of <u>It's Never Too Late</u>                      |
| 13. Steffen Peters, American Olympian and FEI rider  | 27. Monty Roberts, award-winning trainer, best-selling author of <u>The Man Who Listens to Horses</u>      |
| 14. Shannon Peters, dressage instructor and FEI rider  |  |

Sponsor of Original Horse Protection Act of 1970: Former Senator Joseph Tydings

Public Opinion in Key States with Largest Tennessee Walking Horse Industry

A poll conducted in December 2012 by Mason-Dixon Polling & Research found that 75% of Tennessee voters and 69% of Kentucky voters support federal legislation to strengthen the Horse Protection Act by ending the current, failed system of industry self-policing, banning the use of chains and stacks (devices implicated in the sorting process) on horses at shows, and increasing penalties for violating the law.

11/12/13

Product of the gentle South and famed for its - 08.29.55 - Si Vault

# Si VAULT

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August 29, 1955

## "the World's Greatest Pleasure Horse"

Product of the gentle South and famed for its "rocking chair" ride, the Tennessee Walking Horse is becoming one of the nation's favorite pleasure mounts, especially for amateur riders

Reginald Wells

The biggest Tennessee Walking Horse Celebration ever—with some 700 horses entered—takes place this week (Aug. 29-Sept. 3) at Shelbyville, Tenn., the heart of the Walking Horse country and world. Thousands of Walking Horse owners, breeders and exhibitors have jam-packed every hotel and rooming house for a 50-mile radius, and for the next week they will think, talk, sleep and buy nothing else. For to those who own and love Tennessee Walking Horses the annual Celebration is an institution, which although only 16 years old is as traditional as the breed itself.

The Walking Horse breed originated in middle Tennessee over 100 years ago as a result of farmers trying to produce a multipurpose animal—one which was strong enough to pull the plow, docile enough for the kids to ride to school and yet smart enough to hitch up to the buggy on Sundays.

By crossbreeding the Thoroughbred with the sturdy stock of saddle horses brought across the mountains by Virginians in early pioneer days and adding characteristics of the pacer and the Morgan, farmers produced an animal which combined sufficient qualities from each to mark it as a distinct and individual breed. Short in the back with a deep body and a long, graceful neck in the perfect specimen, its most distinctive quality was a running gait peculiar to that breed only. This gait—a diagonally opposed foot movement—started with an ordinary flat-footed walk but as the speed increased the hind feet overstepped the front hooves by many inches. This unusually long stride by the hind legs coupled with the short stepping front action gave a "gliding" sensation to the rider which was immediately sought after by plantation overseers and farmers who had to spend long days in the saddle.

The horse could go in a relaxed and steady manner over soft ground not only at the flat-footed walk and running walk, but also at the canter. Even at this gait the Walking Horse offered unusual smoothness in the saddle, having such a rolling, non-jarring motion that its canter came to be called the "rocking chair ride."

Before long Plantation Walkers, as they had come to be called, were eagerly sought after through the whole South.

In the years that followed the Civil War, Walkers earned a reputation as easy-riding mounts, which has since culminated in their being called "World's Greatest Pleasure Horse." It wasn't until many years later, however, that any organization of the breed took place. Then, in 1935, several prominent owners of Walkers banded together to protect the horse's bloodline and formed the Tennessee Walking Horse Breeders' Association. Even so, the U.S. Government did not officially recognize Walking Horses as a separate and distinct breed of light horse until 1949.

Today, there are some 40,000 registered Walking Horses—plus three times that number unregistered. Because they are easy to ride and do not require the equestrian skill demanded by other breeds, Walkers have become very popular as mounts for children and older people and have secured for themselves a permanent place on the American saddle horse scene.

Every year since 1939 the National Celebration at Shelbyville has provided the climax to the Walker year when it crowns the "World's Grand Champion Walking Horse."

Unfortunately, because of a rift which split the Walking Horse ranks wide open, there are currently two horses which claim the title "World's Grand Champion Walking Horse." One is last year's Celebration winner, White Star. The other is a gelding named Sun's Big Shot which—because the Tennessee Walking Horse Breeders' Association does not endorse the Celebration any more and crowns its own world

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Product of the gentle South and famed for its - 08.29.55 - St Vault

champion at its own sponsored show a month later—is officially and sonorously titled "The Only Tennessee Walking Horse Breeders' Association of America-recognized World's Champion."

For three years now the Breeders' Association has been unable to see eye to eye with the way non-horse-owning professional promoters have run the Celebration. But confusing as it may be to have two world's champions in the same sport, the Walking Horse fraternity has come to accept the oddity as just another part of its split personality.

Before the mid-40s all was tranquil, and the Breeders' Association happily endorsed the Celebration, even putting up \$7,500 of the prize money. But differences between the groups began soon after a magnificent stallion called Midnight Sun (see color page) skyrocketed to the top in the Walking Horse show world. Owned by Harlinsdale Farms, Franklin, Tenn. this horse was so phenomenal that he virtually eliminated competition and crowned his show career by winning the world championship twice, in 1945 and 1946. Retired to stud, Midnight Sun, by now acclaimed the greatest Walking Horse in history, was developed into an even more successful business operation. By artificial insemination he was able to service at least 10 mares each time he stood at stud. At a fee of \$100 for each mare serviced, Midnight Sun, it is claimed, was annually earning between \$75,000 and \$100,000 for owners Wirt and Alex Harlin.

The result of Midnight Sun's widespread mass breeding was to give him a monopoly on the whole Walking Horse breeding business. While this virtually killed off the breeding chances of many other good stallions, its most dangerous aspect was that little else but Midnight Sun colts were being foaled. These were becoming automatic winners in the show ring—particularly automatic, claimed the Breeders' Association, at the Celebration—and when Midnight Merry, a horse which was not thought too highly of by many experts, won the world's championship title in 1949 it proved to be the straw that broke the Breeders' Association's back.

Firmly believing that many of the Celebration judges were favoring Midnight Sun horses, the Association asked for a voice in selecting the Celebration judges. But the two groups were never able to get together on a system of selecting judges which was acceptable to both, and in 1952 the Breeders' Association withdrew its endorsement of the Celebration, plus the \$7,500, and announced it would stage its own show and choose its own world's champion. Then the Association broke Midnight Sun's monopoly by outlawing artificial insemination at its next meeting. This was only achieved when John H. Amos, a coal mine owner and member of the Judge's committee, brought to the meeting 86 of his coal miners with full paid membership—and, of course, the right to vote.

Although no longer able to breed by artificial insemination, Midnight Sun continued to stand at stud, but his fee jumped from \$100 to \$200.

In spite of the lack of endorsement from the Breeders' Association the Celebration went on to bigger and better shows. Whatever the whispered suspicions, gossip and jealousies that surround its success, it remains a fact that in the minds of Walking Horse enthusiasts there is but one grand world Celebration for their breed and Shelbyville is it. The majority of Walker fans are content to have their cake and eat it too—by endorsing the Breeders' Association's policies, but attending the Celebration too. Even six of the nine members of the Breeders' Association executive committee have horses entered in this year's Celebration.

Since breaking away from the Celebration, the Breeders' Association, under the fearless leadership of its President S. H. (Wacky) Arnolt of racing-car fame, has steadfastly gone about its business of fostering and furthering an even greater future for the Walking Horse. Mostly men of adequate means, they are sincerely dedicated to the preservation of the breed from any and all injurious exploitation and monopoly. Fortunately, the sport of showing and owning Walkers is far bigger than the differences existing among its supporters.

Though the slick American Saddle Horse set tends to regard Walkers with the same intolerance a ballerina choosing dancing shoes might have for a pair of well-worn sneakers, there is no getting away from the fact that for honest-to-goodness pleasure and comfort, there is nothing finer. A sound, well-trained Walker, good enough as a children's pet or for old people, can be bought for \$100 up, but good show stock can begin in the thousands.

While most owners of Walkers are people of moderate income, there are celebrities aplenty among them. Gene Autry's famous horse, Champion Jr., is a Walker, and many other prominent people have owned them including Paul Whiteman, Arthur Godfrey and Mrs. Eleanor Roosevelt.

More and more, as American life pushes outward toward suburbs and country living, the pleasure horse is returning as an unequalled form of recreation and exercise. With its characteristic bobbing head, high-stepping front action and long, deep-striding hind legs, the Tennessee Walking Horse is being seen on trails across the nation, far from its native Tennessee—but still as southern as hush-puppies, catfish and black-eyed peas.

11/12/13

A favorite show horse is often tortured to make him look - 07.23.56 - Si Vault

# Si Vault

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July 23, 1956

## Woe For Walkers

A favorite show horse is often tortured to make him look good, and the time has now come to end this  
Alice Higgins



Horse business and sharp practice have not traditionally been divorced. But far uglier than mere chicanery is the widespread and longstanding practice of purposeful injury to that pleasant riding animal, the Tennessee Walking Horse (SI, Aug. 29, 1955). The torture, known and until recently condoned by inaction, is rarely punished legally. Reprimand from the horse world itself amounts to little more than a slap on the wrist. Only hostile public opinion to add force to the overdue wave of indignation against abuses will limit, if not stop, them during many of the major shows still ahead.

The Walking Horse's trademark, the unique running walk with its gliding hind motion, high front action and busily nodding head, is its most famous gait. Some breeders and trainers, aiming to add speed and showiness to this smooth gait, do so by carefully selected bloodlines and conscientious training; others try short cuts by torture, for if the horse's front feet are sore he will lift them quickly from the ground, shift his weight to his sound hind quarters and take the desired easy, gliding step.

The methods are simple and sometimes hard to detect, particularly since the Tennessee Walking Horse Breeders' Association, intending to protect the horse from possible cuts or bruises from the overreach (the average Walker's hind foot will override the front foot 14 to 22 inches), allows boots to be worn. But the protective device is also being used to hide damage or inflict pain. Crudest methods are to put tacks or chains inside the boots, or hog rings in the frog of the foot. The most widespread techniques of cruelty are the use of lye around the coronary band or a "blister" inside the hoof—but these can often be detected the morning after by a tour of the barns. The horses which are too sore to get up are those which have been treated with a dose of this "walking compound."

So it is often no pleasure for the "world's greatest pleasure horse" to enter the show ring. The desired effect—that of making him walk gingerly—is so generally obtained by hurling the horse's feet that it is possible to read a proud advertisement like this for a mare touted as walking "with the sore lick without being sore. Examine those dainty, fast-flying feet and not a hair is out of place, no nails are driven to quick her, no gadgets and no tricks. Just pure, natural walking ability...."

As one ribbon-greedy exhibitor said to the Humane Society's Donald Coleman in New Orleans, "I'll do anything I want to make my horse look good, and you'll not stop me."

But this year some steps are being taken to control the con men of the horse game. The American Horse Shows Association now states in its rule book that "horses must be serviceably sound and judges shall disqualify horses equipped with artificial appliances such as wired ears, leg chains, wires or tacks, blistering or any other cruel and inhumane devices.... While boots may be used, but they shall be subject to examination by show officials. In the use of boots, the inside must be smooth, and free from loose objects of any nature, nor may they have any sharp edges or points which will touch or rub any part of the horse's body, legs or feet."

This spring in Athens, Alabama, Judge H. O. Davis applied the rule for the first time, demonstrating that although these abuses had been ruled against, they had obviously not been ruled out. Some 75 walking horses were examined, and others were taken rapidly to the gate when owners realized they would be caught if they did not retreat. Enough remained so that Ringmaster Sam Gibbons vows he lost several inches off his waist from bending to unstrap the boots, but their removal revealed that about 10% were being tortured and many more showed scars from past afflictions.

Davis immediately became unpopular with this lot of horse owners, some of whom accused him of grandstanding, while others demanded indignantly by what right he inspected. Most, however, have applauded the action, including the Tennessee Walking Horse Breeders'

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A favorite show horse is often tortured to make him look - 07.23.56 - SI Vault

Association, which has instructed all its licensed judges to be on the alert. The Association is also talking of forming a committee to work with the Humane Society, which was instrumental in bringing about official recognition of the wrongs, to police its own big show in September as well as other events.

The difficulties in properly supervising a show are often compounded by the absence of a reliable veterinarian. Too often it is the veterinarian, with unswerving dedication to the collection of the fast buck, who mixes and sells the blister formula. Furthermore patrol problems, even with qualified help, are difficult, for some forms of abuse are hard to detect. One horse show official who has worked closely with the Humane Society for years commented ruefully that "next to arson, cruelty is the most difficult act to catch and make stand up in court."

S. H. (Wacky) Arnolt, sports car dealer and horse enthusiast, reports that many breeders, himself included, believe that a judge should order the quarter boots pulled at the same time he asks the saddle removed for conformation inspection.

Others, such as the National Celebration Group at Shelbyville, whose show will be held at the end of next month, plan to stand by their old rule—if an exhibitor feels strongly enough that a rival horse is unsound he can post \$25 and protest. If the horse is declared sound after examination by veterinarians, the Celebration keeps the money; if not, it is returned to the protestee and the questioned horse disqualified. Thus exhibitors become each others' watchdogs. Clyde Tune, Chairman of the National Celebration Group, suspecting that there have been "gimmicked" horses shown at Shelbyville, feels that it puts the judge on the spot to have him responsible for the removal of the boots. However, he will admit that the judge is boss, and if he asks that the boots be removed then there is nothing to do but remove them.

#### JUDGES' DILEMMA

But the sad fact of the matter is that most judges are afraid to do what Davis did. They must not make too many exhibitors mad, for many depend on their fees for a large part of their livelihood. Mr. Davis, an automobile dealer with a horse hobby, does not. And his action frightened the pain inflicters enough so that no tricks were tried for several weeks.

"But the future of the Walking Horse," asserts John Askew, former president of the Breeders' Association, "has never depended on the abuse of horses. A really good show horse would cost \$10,000 to \$15,000, and people who invest that kind of money aren't going to take chances of crippling the animal or giving him blood poisoning." But for every big-time investor there are many, many, small ones—and they too want to win ribbons. By some moral chemistry they often decide that if they don't have the money to buy or breed a top horse, then they have the shrewdness to make a medium one look better and so will try with tacks and acid to force a cheap horse to walk like a champion. They feel only triumph if they succeed—for a night.

The State of Kentucky passed a law in May stating that a handler attempting to show a sore Walker will be fined and, on second offense, jailed. Ringmasters permitting tampered horses to compete also face fines.

That, at least, is a step forward. For this is disgraceful cruelty and it must be fought.

#### Find this article at:

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The ring was elegant at Miami's Charity Horse Show, but - 02.22.60 - SI Vault

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February 22, 1960

## Telltale Hoofs

The ring was elegant at Miami's Charity Horse Show, but behind the scenes the abuse of the Tennessee Walking Horse continued unchecked

Alice Higgins

Just before the Miami Charity Horse Show got under way this month, the management called the Tennessee Walking Horse exhibitors together for a powwow with Judge J. A. (Toby) Green. "Boys," said Toby, as cold-eyed as any TV sheriff, "don't fool around. I'm not tying [awarding ribbons to] any sore horses."

What Judge Green was referring to, of course, was the well-known practice of deliberately injuring the horse's front feet or legs in order artificially to induce a showier running walk (SI, Jan. 11). His words were praiseworthy, but their effect did not last long. Before the week was out, as these pictures prove, Judge Green did tie at least one sore horse, giving a second-place ribbon to Mrs. Paul Randolph's Miss Sterling.

Miss Sterling's owners were well aware of the sores—"as long as you have boots, you can't cure them, no matter how you try," said Paul Randolph later—but not a single protest was lodged by the American Horse Show's Association's steward, the Miami show officials or the exhibitors themselves. All, from Judge Green to the show's lowest committee member, have an out—they did not look under the boot, which they could have, according to the AHSA rules. They chose, instead, to pursue their habitual policy of "ignorance is bliss."

Thus, in the elegant, flower-bedecked ring of Florida's biggest show, the abuse of the Tennessee Walking Horse continued. The Humane Society of Greater Miami did inspect some boots, but its representatives were the bewildered victims of an equine shell game. The boots the representative was shown were as clean as a newly washed hoof. The SPCA did not, however, inspect the horses, even when, on another occasion, one Walking mare was excused from the ring with blood oozing over the top of her bell boot. The ringmaster, quite correctly, refused to let the mare in question take the gate without the judge's permission. The rider thereupon asked to leave the ring, claiming loss of a shoe. Though a glance revealed that she was wearing all four, the judge quickly gave his consent, and the embarrassingly bloody-footed horse was hastily removed. The officials, throughout, claimed to have seen nothing.

And how does the American Horse Show Association feel about such practices at one of its member shows? Questioned about this after the Miami event, Albert E. Hart Jr., its president, reiterated the association's stand against cruelty. James H. Blackwell, the executive secretary, pointed out that the organization is not a police force. It is, however, a court of law, and it seems worth noting that after all these years of known abuse to the Walking Horse, and even after the Miami show, the law court's docket remains tellingly empty.

The association is, however, hopeful that the new Walking Horse rules drafted during the annual meeting in Detroit this January (and also adopted by the Tennessee Walking Horse Breeders' Association and the American Walking Horse Association) will solve everything. Miami's show was able to take advantage of a technicality—these new rules do not go into effect until the first part of March and until then the old rules (which have been considered good enough for the last four years) are still valid.

Will the new rules really end the cruelty? They will at least clarify the situation by fixing the responsibility on the judge alone. The judge must inspect the boots, not only in championship stake classes but also in classes qualifying for these stakes. He can, if he deems it necessary, inspect the boots in other classes, such as the ladies' events. This is a step forward, since under the old rules inspection of the boots was at the judges' discretion—and with the exception of a few judges, such as John H. Amos, C. C. Turner and H. O. Davis, none of the 100-odd recognized judges chose to exercise the right, including Toby Green in Miami.

The new rules will also change the boot itself. A new type, replacing the all-covering bell boot, will be mandatory. This boot, of a hinged variety, must have an opening of three inches across the front, which would reveal wounds such as the ones pictured here or illegal

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The ring was elegant at Miami's Charity Horse Show, but - 02.22.60 - SI Vault

devices such as chains or wire. But though the specifications for this boot are carefully spelled out as to weight and height, there is no mention of the width of the strap that may be used to close this opening. Undoubtedly, those with something to hide will spot this loophole and find it simple to negate that opening with a two-inch strap.

Thus, although the Detroit rules are a small step forward (the Randolphs, for instance, favor the new boot because it will not constantly irritate old sores), they are far from being a complete cure-all. But even that small step has brought forth protests from many of the Walking Horse trainers and friends who assembled, over 100 strong, in Tennessee last month to make their wishes known. These wishes were simple: they do not want to relinquish the bell boot. Some, of course, objected to the inspection of the boots in the ring, claiming that washing their own dirty laundry before the public might possibly drive away potential Walking Horse buyers. But mainly it was that about-to-disappear bell boot that was bemoaned, and after promises to clean up its interior, most trainers put their signatures to a petition to go to the Tennessee Walking Horse Breeders' Association asking that the bell boot be retained. These views will be presented on February 20 at an executive committee meeting scheduled by the breeders in Lawisburg, Tenn.

#### A TRIAL IT WILL GET

John H. Amos, executive committee chairman of the Tennessee Walking Horse Breeders' Association, was notably lacking in sympathy for the trainers' cause. "They haven't a chance," he said. "This new boot is on trial only—but a trial it will get. If it does not clean up the situation, there won't be any boots at all."

Meanwhile, back at Fort Worth, the TWHA's president, J. Glenn Turner, who has recently and openly decried the current abuses, brought his Circle T string to the show. Making his position on the matter abundantly clear, he jumped the ruling by showing all his horses with the new boot and even, in the case of Sun's Regal Air, which he himself rode to victory in the amateur stake, with no boots at all.

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The abused Walking horse found defenders at tests in - 05.16.60 - SI Vault

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May 18, 1960

## Sore Days For Trainers

The abused Walking horse found defenders at tests in Virginia and Tennessee

Alice Higgins

On the surface, the situation last week in Lynchburg, Va., couldn't have appeared more normal. Trainer Wade Stepp, up on A. E. Hauser's Tennessee Walking horse Go Boy's Miss E, accepted the blue ribbon in the Walking mare class. In the way of successful trainers used to such honors, Stepp proudly left the ring with the ribbon fluttering in the breeze stirred by his horse's ground-eating walk—the gait for which the breed is famous.

But there the similarity with any ordinary horse show disappeared. Up stepped a Virginia gentleman with two summonses in his hand. He gave one to Trainer Stepp, the other to Owner Hauser. They found themselves charged with cruelty to animals—Go Boy's Miss E had been sore. The look of triumph vanished suddenly from Stepp's face. "I've been framed," he shouted angrily.

Thus began a legal maneuver which may prove to be the most important action in behalf of show horses taken in 20 years by any organization for the prevention of cruelty to animals. Behind the summonses was the Humane Society of the U.S., a new, vigorous group with headquarters in Washington, D.C. and five branches across the country. In a carefully planned, secret operation, the society imported a veterinarian, Dr. Clayton Stephens from Mississippi, to examine horses at the three-day show. He would not, the society felt, be influenced by local pressures.

He wasn't, but as often happens with intricately laid plans, the society's police action got off to a poor start. The Humane Society's agent, Lawyer John Zucker, became so entangled in legal details during the first day of the show that he failed to get the search warrant (not required under Virginia law) which he felt he needed as insurance. News that he was after one, and having little luck in obtaining it, must have leaked to the managers of the show. It was announced over the public address system that agents were on the premises. Although several exhibitors were frightened away, three obviously sore horses were shown the first night, and nothing happened.

On the second day Zucker had matters well in hand. He got the warrant, veterinarian Stephens examined Go Boy's Miss E and found her undeniably sore. Zucker dashed for the nearest magistrate and had a summons sworn out. Stepp argued that one of his rivals had sneaked into the barn and sores the mare just to get him in trouble. "Perhaps," said the Humane Society, "but you showed the mare sore, and that is cruelty."

Word of the arrest spread like a hayloft fire through the show grounds. Horses were loaded in vans with haste and whisked away. One trainer, en route from North Carolina, phoned in, learned of the investigation, turned his truckload of horses around and went straight home. When the championship stake was held, of the near dozen horses originally entered only two came into the ring.

The case against Stepp and Hauser came up before Judge Joseph McCarran in Lynchburg on Monday. Trainer Stepp was not there. Reading pneumonia, he did not appear and Judge McCarran reissued a warrant for his arrest. Hauser was found guilty of cruelty to animals and fined \$25. He has appealed the decision and, released on \$100 bond, will appear in the Commonwealth Court in Lynchburg on June 7. The Humane Society, triumphant, plans to continue to swear out complaints until it is no longer the common practice to abuse a horse merely for the sake of winning a ribbon.

The battle of the sore horses was not confined to Lynchburg last week. In Columbia, Tenn., a much heralded showdown of a different but related nature brought a bloodless victory for John Amos, chairman of the executive committee of the Tennessee Walking Horse Breeders' Association and a leader of the drive to prohibit abuse of Walking horses.



11/12/13

The abused Walking horse found defenders at tests in - 05.16.60 - SI Vault

The Columbia show down climaxed a fight over the new rule adopted in Detroit (SI, Feb. 22) outlawing the old hide-all bell boot and decreeing that in future shows a hinged boot open at the front (to reveal the presence of chains, wire or blistering) must be worn. The new rule was not popular with many trainers and owners. Behind Trainer Vic Thompson of Shelbyville, Tenn., who has been their spokesman, they organized protest meetings and the membership of the TWHBA was propagandized with letters and circulars, many of them hysterical in tone.

Before the Columbia show, Thompson paid a visit to Amos in Nashville and inquired just what Amos would do if 20 or so of the "boys" turned up at Columbia with the tale, and from his standpoint lamented, bell boot on their horses. Amos, who is a coal mine operator and one of the few men ever to get the better of John L. Lewis (he successfully resisted unionization of his mines), told Thompson, "Try it."

Maybe the Thompson crowd did try it, maybe it didn't. One exhibitor who had announced that she would use the new boots at Columbia received phone calls strongly suggesting that she refrain. But when the Columbia show opened, all the horses there, including Thompson's, were wearing the association-approved boot. The revolt was a fizzle.

AND MORE TO COME

A scout for the Nashville Humane Association also was at Columbia "just looking," and saw a big improvement in the condition of the horses. "We have a tacit agreement," explained Mrs. Walter Sharp, the association's secretary. "We will give them time to clean up—if they don't, we'll act!"

If more action is needed, both Mrs. Sharp and John Amos have a powerful ally in Governor Buford Ellington of Tennessee. End the abuse of the Walking horse, the governor has said, or he will take the matter up in the Tennessee state legislature.

Meanwhile, members of the American Walking Horse Association have begun drafting plans to push for federal legislation. The Walking horse, they point out, no longer belongs to Tennessee but is exhibited in some 750 shows in about 45 states. Federal action may not be required, however. The breeders will air the question fully at their annual meeting beginning May 28. If Amos and his backers, who have been called "dictators" by their opponents, win their point, the breeders may be able to clean house without help from the Government.

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**Congress of the United States**  
**Washington, DC 20515**

September 27, 2013

Tennessee Walking Horse Breeders and Exhibitors Association (TWHBEA)  
P.O. Box 286  
Lewisburg, TN 37091

To whom it may concern:

It is my understanding that there has been some misinformation, whether purposely or accidentally, circulated about the impact my legislation, the Prevent All Soring Tactics Act of 2013 (PAST Act), would have on the use of shoes that are used regularly and humanely in the Walking horse industry. I am writing to clear up this misinformation.

Some are saying or making the argument that the section of the bill that addresses the use of "weighted shoes" will make ALL show horse divisions extinct in the Tennessee Walking Horse breed. Their argument maintains that the term "weighted shoes" includes the smallest to the largest of shoes, as all shoes have "weight" to them. This claim is as far away from the truth as possible. The fact is that the PAST Act does not prohibit all horse shoes. It also has no impact on horses ridden on the trail, or anywhere other than a horse show, exhibition, sale or auction. It expressly allows for the use in these venues of shoes that are "protective or therapeutic in nature." There are many shoes of varying weights that are used on horses by their owners for the protection of the horses' hooves or for therapeutic purposes. The overwhelming majority of horse shoes used on Tennessee Walking Horses and horses of all breeds are used for these purposes. There are many Tennessee Walking Horses currently being shown in several divisions with shoes that would be allowed under the PAST Act. The determination of the types and weight of shoes that are allowed will be determined by the United States Department of Agriculture (USDA) only after a formal rule making process. This rule making process will require that USDA seek the input of veterinarians, farriers, and other industry participants in the development of the regulations. These regulations will be available for public comment, so everyone will have a chance to weigh in on them before a decision is made.

However, for the three breeds – Tennessee Walking, Racking, and Spotted Saddle Horses. – where there are known abuses associated with the use of weighted shoes and hoof bands, the bill makes these abuses unlawful. It has been documented that heavy shoes and hoof bands are regularly used as an integral part of a practice generally known as "pressure shoeing" to cause horses to be sore, which creates an artificial high-stepping gait that is often rewarded in the show ring. The use of these heavy shoes – which rely on hoof bands to help hold them on the horse's hoof – has also been shown to cause horses' hooves to be shorn off at the band, causing great pain to the horse and risking serious, potentially permanent, and sometimes fatal damage.

Although this legislation seeks to stop people who are already breaking the law by soring horses, it does not provide a blanket prohibition on all shoes as some would have you believe. As the legislative process moves forward on this bill, I will work hard to ensure that the intent of this legislation is carried out in a way that is not harmful to the people who value Walking horses and do not sore them. Thank you for your attention to this matter.

Sincerely,

  
Ed Whitfield  
Member of Congress

  
Steve Cohen  
Member of Congress



# STATEMENT FOR THE RECORD

**U.S. House of Representatives Energy and Commerce Subcommittee on Commerce,  
Manufacturing and Trade**

**Hearing: “H.R. 1518, a bill to amend the Horse Protection Act.”**

**Submitted by: Nancy Perry, Senior Vice President, Government Relations, ASPCA  
November 13, 2013**

On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA) and our 2.5 million supporters nationwide, thank you for the opportunity to submit this written statement. Founded in 1866, the ASPCA was the first humane organization in the United States. Our mission, as stated by founder Henry Bergh, is “to provide effective means for the prevention of cruelty to animals throughout the United States.” The ASPCA works to rescue animals from abuse, pass humane laws, and share resources with other animal protection groups nationwide.

The ASPCA submits this statement in support of H.R. 1518, the Prevent All Soring Tactics (PAST) Act. Horse soring is an extremely cruel practice inflicted on some gaited horse breeds, including the Spotted Saddle Horse, the Racking Horse, and most prominently, the Tennessee Walking Horse. Trainers sore horses by applying painful chemicals and other devices to deliberately cause such agony to a horse’s front limbs that any contact with the ground makes a horse quickly jerk up her legs. Caustic chemicals like kerosene or mustard oil are applied to a horse’s pasterns (ankles). The horse’s legs are then covered in plastic wrap, so that the chemicals will burn in, making the flesh painful and extremely sensitive to touch.

This abuse is coupled with an “action device” – usually a chain around the ankle that exacerbates the horse’s pain by striking the irritated skin during movement. Each time the horse takes a step, this chain strikes the sore area on the horse’s ankle, causing the animal to flinch her leg up in pain. Trainers may also pressure shoe a horse – filing down the horse’s hoof close to the nerve (or “quick”), exposing the sensitive tissue in the foot. Trainers then place hard objects between the sole of the hoof and the shoe to bruise the tender tissue, causing further discomfort to the animal.

This chronic abuse is inflicted solely to produce an exaggerated gait prized in certain show rings. In the Tennessee Walking Horse show world this gait is known as the “big lick.” It brings blue ribbons and financial reward to those competitors whose horses display the most extreme example of this movement.

In 1970, Congress passed the Horse Protection Act (HPA) to end this brutal practice. After Congress amended the HPA in 1974, the USDA developed the Designated Qualified Person (DQP) program as a means for the Tennessee Walking Horse industry to police its own activities through certified Horse Industry Organizations (HIOs). DQPs inspect horses before they enter the show ring for evidence of soring, replacing USDA inspectors hampered by resource limitations.



The DQP program, unfortunately, has been woefully inadequate. Rather than serving as a mechanism for impartial, third-party oversight, the DQP program is a system riddled with conflicts of interest. A trainer showing his horses at one event may act as a DQP at an event the next week. As a result, HPA violations remain mostly overlooked and unpunished. In 2011, limited resources constrained USDA inspections to just 62 of the approximately 700 Tennessee Walking Horse shows held that year.<sup>1</sup> Other shows were overseen solely by DQPs trained and hired by the horse industry. Although present at only 8-10% of shows, USDA inspectors found over 50% of reported violations that year.<sup>2</sup> It follows that if USDA inspectors are finding half of the annual HPA violations at ten percent of events, the other events inspected by DQPs should result in a much higher number of reported violations.

This discrepancy in reported violations demonstrates the failure of the DQP program. In a recent case in which four individuals were charged by the U.S. Attorney's office with horse soring, a top trainer in the industry testified that "every Walking Horse that enters into a show ring is sored... They've got to be sored to walk."<sup>3</sup> Clearly the problem is endemic and industry self-regulation through DQPs is not effectively exposing violators.

The PAST Act will help end horse soring in three distinct ways:

End Conflict of Interest: It will resolve the problems caused by the DQP program's inherent conflict of interest by requiring horse show organizers to hire only USDA-licensed inspectors as recommended in a 2010 audit by the USDA Office of Inspector General (OIG). Elimination of the DQP program will allow the USDA to more effectively focus its resources on HPA enforcement

Increase Penalties: It will increase federal penalties for soring a horse, as recommended by the OIG audit.

Ban Action Devices: It will prohibit the use of cruel chains and other "action devices" used to exacerbate the pain of soring.

It is time to end this rampant abuse. The ASPCA supports passage of H.R. 1518, the Prevent All Soring Tactics Act. We thank the Subcommittee for its attention to this important issue and for its consideration of this legislation. We look forward to working with the Subcommittee and the Tennessee Walking Horse industry to end the cruel practice of horse soring.

<sup>1</sup> "Action Against Soring Intensifies." JAMVA News, November 1, 2013.

<sup>2</sup> *Ibid.*

<sup>3</sup> "Trainer Says Horse Soring Widespread." Chattanooga Times Free Press, February 28, 2012.

STATEMENT FOR THE RECORD BY

Keith Dane  
Vice President, Equine Protection, The Humane Society of the United States

Concerning The Prevent All Soring Tactics Act, H.R.1518

Before the  
U. S. House of Representatives  
Committee on Energy and Commerce  
Subcommittee on Commerce, Manufacturing, and Trade

November 13, 2013

My name is Keith Dane, and I am the vice president of equine protection for the Humane Society of the United States. I submit this statement to the House Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing and Trade on behalf of the organization and the Humane Society Legislative Fund, both of which unequivocally support passage of the Prevent All Soring Tactics (PAST) Act, H.R.1518.

I have been involved in the Tennessee Walking horse industry for over 40 years. I have been an owner, breeder, amateur trainer and exhibitor, and am a horse show judge licensed to adjudicate shows in many gaited breeds, including Tennessee Walking horses, Racking horses and Spotted Saddle horses. I have judged horse shows across the U.S., and in Canada and Europe.

I have served as president of several state Tennessee Walking horse associations and two national organizations which I helped to found (International Plantation Walking Horse Association and Friends of Sound Horses (FOSH)), which were created to promote and protect the Tennessee Walking horse and other gaited breeds and provide a level playing field for exhibitors of those horses, free from animal cruelty and in compliance with the law. I also served as FOSH's director of judges, and have conducted

numerous training clinics for horse show judges. I currently serve as the Maryland Director for the Tennessee Walking Horse Breeders and Exhibitors Association (TWHBEA), the breed registry formed in 1935 - the largest and oldest organization in the breed. It would not be an overstatement to say that I have devoted much of my life to the protection and preservation of the Tennessee Walking horse breed.

#### **Methods of horse soring**

Congress passed the Horse Protection Act (HPA) in 1970 to bring about an end to the cruel practice of soring which had by then become a commonplace method used among the upper echelons of the Tennessee Walking horse show industry to cause pain to the legs of horses, to force an accentuated, unnaturally high-stepping gait to win ribbons in the show ring. Throughout my involvement I have come to know of many of the means and methods used to sore horses, including:

- The use of caustic chemicals on the pasterns of horses, and binding them in plastic wrap to “cook” the chemicals into the flesh, to cause intense pain, which is further heightened by the application of metal chains or rollers (action devices) which strike the sensitized pastern when the horse is ridden. There is very little reason or purpose to use an action device on the pastern of a Walking horse unless the horse has been sored, because such a device will create nothing more than a mild, temporary annoyance on a horse that has not been sored. The action devices used are part and parcel of the soring process.
- The use of multiple, often overweight chains on the pastern of the horse during training (often in combination with chemicals described above, intended to have the same pain-inducing effect). These are prohibited under current regulations at shows, but not in the training barn.
- Mechanical soring, accomplished by pressure shoeing (using a variety of methods to cause pain to the hoof wall or sole of the horse); the overtightening of bands (the purported purpose of which is

to hold the stack on the horse's hoof), used like a vise to squeeze the hoof to the point of causing pain; the driving of wedges between the overtightened stack and the hoof, to intensify the effects of the bands; the standing of horses on metal bolts or blocks of wood, on concrete, for extended periods of time to cause extreme pain to the sole of the hoof, and a host of other practices intended to cause pain – all of which are practically if not virtually undetectable unless the entire attachment is removed from the hoof at the show, and the sole of the hoof examined – which has never been adopted as a standard inspection methodology.

**Methods used to hide evidence of soring, avoid detection and penalties under the law**

I have also learned of the lengths to which participants will go to evade detection of their illegal activity, and the many methods of camouflaging it, and thereby circumvent the law:

- Stewarding – teaching a horse not to react to pain during inspection, by conducting mock inspections in the training barn whereby a handler punishes the horse when it flinches upon examination of its pasterns, by striking it about the head or neck with a blunt object;
- Use of numbing agents (topical/injectable drugs, ice water, etc.) to mask pain during inspections – and/or masking agents to cover up evidence of soring scars (such as hoof black, hair dye, glue-on hair) – see attached analysis of recent USDA Foreign substance violations;
- Use of painful, hidden distraction devices (alligator clips, bit burrs, zip ties) on various sensitive parts of the horse's anatomy during inspection (so that it focuses more on the localized pain and does not react to the pain in its legs during examination);
- Use of sunscreen to foil the ability of USDA to use thermography to detect inflammation indicative of soring;
- Use of false acrylic soles to cover evidence of damage inflicted to the horse's natural sole;



- Soring the horse in places higher on its legs than where inspectors routinely check (i.e. behind the cannon bone, the knee, the shoulder) and on its back feet;
- Switching of horses at shows – presenting one horse for inspection which has not been sored, then substituting the actual sore entry which is ridden into the ring for competition;
- Ticket taking – the practice of falsely listing an individual as the trainer of a horse, who is often a barn hand or groom for which a trainer’s license has been secured by the horse’s actual trainer;
- Transferring of ownership to a relative while an owner serves an industry suspension or federal disqualification, so that the horse may continue to be shown, thereby negating the whole point of suspending the owner;
- Registering horses in the names of minors to avoid citations and prosecutions.

**Horse Industry Organizations’ failure to enforce, comply with law**

For several years, I served as USDA liaison for FOSH’s USDA-certified Horse Industry Organization (HIO) inspection program, attending meetings with counterparts from other HIOs to discuss and attempt to resolve issues and problems with HPA enforcement, and to negotiate Operating Plans which were intended to establish uniform rules and operating standards for all of the many HIOs (of which there are currently 12) to accept and adhere to.

I can unequivocally say that during these meetings, anything that was ever proposed by sound horse advocates or USDA that was intended to improve the welfare of the horse or fairness of competition was flatly rejected by the performance horse HIOs – those which feature the stacked, chained or “Big Lick” horse in their competitions. These Big Lick HIOs repeatedly made promises which were routinely

broken. They agreed to adopt mandatory uniform penalties for violations of the HPA, but these were never routinely applied, enforced or adhered to.

In their enforcement of the HPA and regulations, as identified by the USDA's Office of Inspector General in a 2010 audit of the Horse Protection Program, several of these HIOs have exhibited chronic non-compliance. Some examples of such HIO non-compliance include:

- Inspectors' failure to cite violations (as exemplified at this year's Celebration where industry inspectors found only 30 violations among each and every horse inspected, but USDA inspectors found an additional 70 violations among only that fraction of the horses they inspected);
- Failure to apply penalties when violations are cited, as exemplified by the attached analysis of the violation histories of the top 20 trainers in the industry (as measured by their standings in the Riders Cup program), whereby 80% of these winners in 2010 and 100% in 2011 had been previously cited, but few were ever issued any penalties (see attached analysis);
- Failure to enforce penalties, including the prohibition on violators participating in activities related to showing while on suspension. As but one example, last year several colleagues and I witnessed a trainer who was supposed to be serving an 8 months suspension from all show-related activities (other than being a spectator) coaching in plain sight an exhibitor at the Tennessee Walking Horse National Celebration – a clear violation of his suspension. I reported this violation to the then-head of the S.H.O.W. HIO program, Dr. Stephen Mullins, and followed up with a letter to him and the CEO of the Celebration, Mike Inman, urging them to take punitive action for this suspension violation and advise me of the outcome. I never received a response, and to my knowledge this trainer was never penalized. He had continued to train horses, collect the commensurate training fees, prepare horses for competition – everything *but* actually ride a horse in a class at a horse show - throughout his suspension period.

Another trainer is famous for coaching his clients during his suspension period (another clear violation) while they ride in the show ring, by communicating with them by cellphone via the clients' Bluetooth earpieces.

- Refusal to populate the shared HIO online HPA violation database with citation information, forcing USDA to utilize staff resources to do so;
- Shows held and HIOs based in Tennessee have failed to report soring violations cited to the appropriate local District Attorney General for further investigation, as required under state law.

**Efforts to help Tennessee Walking horse show industry affect change**

The Humane Society of the United States supports and encourages the humane, responsible riding and exhibition of Tennessee Walking, Racking, and Spotted Saddle horses and horses of all breeds and disciplines. To help effectuate change in the three breeds which have been plagued by soring, our organization works to reward those who adhere to sound, humane training principles. We were a corporate sponsor of the TWHBEA World Versatility Show this July in Murfreesboro, TN. This year we established a new award program to recognize individuals who with their sound Walking horses have excelled in non-traditional competition venues. The program also assists therapeutic riding programs that utilize Walking horses in their work, and facilitates natural horsemanship clinics for horse owners.

Our organization has also worked to identify violators of the HPA and state anti-soring laws and bring them to justice. Some of that work has included:

- Offering a reward of up to \$10,000 for tips leading to the arrest and conviction of individuals for violations of anti-soring laws. Often tipsters insist on remaining anonymous, citing a fear for the safety and even lives of themselves, their families and horses. In 2012 the Society paid a reward for

information that led to the first-ever successful criminal prosecution under the HPA, of industry trainer Barney Davis, who told the judge at sentencing “They’ve got to be sore to walk...I mean, that’s the bottom line. It ain’t no good way to put it, but that’s it.”

- Conducting investigations into training barns which have allegedly sore horses, including that of Hall of Fame World Grand Champion-winning Collierville, Tennessee trainer Jackie McConnell which resulted in his successful prosecution at the federal and state level and a nationwide outrage over his brutal mistreatment of horses in his care.
- Filing a rulemaking petition with USDA to urge promulgation of regulations to close loopholes of which violators have taken advantage, including the introduction of mandatory minimum penalties for HIOs to apply to violators – a rule which was implemented in June of 2012. Several HIOs refused to comply with the new rule, and one HIO, S.H.O.W. promptly sued the agency over it. A U.S. District Court upheld the regulation in July of this year. S.H.O.W. HIO agreed to adopt the penalty structure just before the national Celebration, but subsequently announced the HIO would become inactive – thereby seemingly avoiding the need to impose penalties on violators cited at the show.

**Larger horse industry frustrated in attempts to help Walking horse Big Lick faction affect change**

Several of the horse industry groups that support PAST have also tried to work with this faction of the industry to achieve reform. Each time, they have been deceived and confounded. The U.S. Equestrian Federation, which endorses PAST, recently implemented a rule that bans the use at its sanctioned events of stacks, chains, bands and heavy shoes on the three breeds on which the PAST Act would also prohibit the use of these devices. Its predecessor, American Horse Shows Association, ejected the Walking horse breed from its sanctioned event circuit because of the breed’s refusal to clean up its act.

**“Big Lick” horse show industry culture of winning at any cost**

It has been said by some in this industry faction (and some who defend it, such as Tennessee Agriculture Commissioner Julius Johnson who is testifying at this hearing) that the people who own, train and exhibit these horses love and value their animals, and wouldn't do anything to harm them. Sadly, the truth is that many of these people love to win, and will do (or allow their trainer to do) to their animals whatever it takes to win. They have little regard for the well-being of the animals, and if one dies of colic due to the severe pain or stress of soring, they take an ad in an industry publication to mourn the loss, often quoting the Bible, then go out and buy another horse to take its place. In the event a horse has a hoof torn half off due to the use of the stacks, weighted shoes and bands (an event which has become a public embarrassment at horse shows), a veterinarian who participates in and serves the industry has exhorted exhibitors to have the necessary materials on hand to treat the injury when it occurs. If a horse becomes so scarred by soring that it can no longer pass inspection, owners have with increasing frequency been dumping these damaged goods at livestock auctions around the country, hoping to pick up a last few hundred dollars from a slaughterhouse kill buyer.

To gain an insight and perspective into the mindset of the small faction of participants in the Tennessee Walking horse breed who do not support the PAST Act, one need only to review the following statement issued by one of the latest of several various new private non-member organizations that have cropped up every few months over the past several years (all self-proclaimed to be the leaders and representatives of the industry) – the Performance Show Horse Association (PSHA), which wrote in a letter earlier this year to the then-president of TWHBEA Loyd Hall Black (referring to a clarification letter issued by the sponsors of the PAST Act, Reps. Whitfield and Cohen):

<http://psa1.com/letter-send-to-mr-black-10-07-2013/>

"Finally, the letter states that these Members of Congress "will work hard to ensure that the intent of this legislation is carried out in a way that is not harmful to the people who value Walking horses and do not sore them." Unfortunately, if this statement is accurate, the walking horse industry we know and depend on and the one that our communities and the charities we support depend on will disappear."

An industry or faction thereof that is comprised of people who do not value Walking horses and who sore them is not an industry, but a racket - and should disappear. When it does, the stigma associated with soring – which has damaged the reputation of the entire breed, devalued its horses, caused a tumultuous decline in the number of horses bred, registered and shown as well as the number of shows held and spectators at those shows – will be lifted, and the breed will flourish, attract new participants and markets domestically and abroad, and once again contribute to the economy.

For nearly half a century participants in this industry faction have worked to find ways to violate the law and evade detection. They have found one new way after another to sore horses, and to hide and camouflage their deeds from the eyes of inspectors. They have exerted political pressure to maintain the status quo that has been so profitable for them. No other sector or competitive discipline in the horse industry relies on the intentional infliction of pain to achieve a performance that is prized and rewarded in the show ring. No other sector of the horse industry is so heavily based and reliant upon circumvention of the law. The HIO system, for the most part, is a conspiratorial house of deception built to obfuscate this illegal activity and deceive the media, the public, regulators and lawmakers. It is time for this chronic, institutionalized animal cruelty and the system created to reward, promote and condone it to be brought to an end. Congress must enact the PAST Act to fix the Horse Protection Act, and to guarantee in this industry a level playing field free of animal cruelty, as it originally intended.

Statement of the Performance Show Horse Association

House Energy and Commerce Committee

Subcommittee on Manufacturing, Commerce and Trade

November 13, 2013

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Chairman Terry, Ranking Member Schakowsky and Members of the Subcommittee:

The Performance Show Horse Association appreciates the opportunity to provide a statement regarding H.R. 1518 and the negative impacts this legislation would have on the Tennessee Walking Horse industry and the communities and families that work in and depend on this industry.

The Performance Show Horse Association is a multi-state organization representing walking horse shows, trainers, owners, breeders and other long-time participants in the walking horse industry. Our organization was established to bring about, through the industry, needed reforms that will restore the credibility and integrity of our sport and, at the same time, ensure that those few people who have created a negative perception of our industry are removed. Our goals are to bring common-sense and realistic reforms that will protect the horse and save the industry.

The entire equine world is built on the beauty of the horse, its abilities and the desire of its owners to show, exhibit, and compete to win. By and large, the Tennessee Walking Horse industry stems from a family-based hobby for most owners who love this breed of horse and enjoy the community, tradition and competition the horse show industry provides. The Tennessee Walking Horse is an extremely gentle and docile breed which allows amateur riders of all ages to participate and enjoy this sport. In fact, at

this year's world championship horse show, the youngest rider competing was 4 years of age, with the most "elite" rider winning a championship at age 96. This industry is certainly not about making its participants rich. The average prize for a typical Saturday night horse show is \$75 per class with an entry fee averaging \$40 per class.

And why is this legislation and the severe economic impacts associated with it being proposed? Because the Humane Society of the United States has an agenda to eliminate the horse as a farm and sport animal. They have an agenda to eliminate the horse from all competitive arenas. Their goal is to make the horse a companion animal. Make no mistake - this is a HSUS bill. The connection between Mr. Whitfield and the HSUS is irrefutable – his wife is a paid lobbyist for the Humane Society of the United States and the Humane Society Legislative Fund.

**ECONOMIC IMPACT OF PROPOSED LEGISLATION:**

This legislation, if passed, could and would most likely be the death knell of our industry. The Tennessee Walking Horse industry has been hard-hit by the poor economic conditions of the last few years as well as much more aggressive and retaliatory inspection and oversight activities by the U.S. Department of Agriculture. In 2000, there were over 80,000 show horses; today there are approximately 15,000. The very foundation of the Tennessee Walking Horse sport would be decimated. The Celebration, our World Grand Championship, which is akin to the Thoroughbred Industry's Kentucky Derby or the American Saddlebred's Worlds' Championship Horse Show at the Kentucky State Fair, has had a decline of 50% of horses competing in the last 5 years. And the economic impact to this Industry and associated supporting farmers, small businesses and untold employees would be staggering as there are over 20,640 direct and indirect jobs associated with the Tennessee Walking Horse and show horse industry



across the country as identified by the USDA's report in 2012. (See Attached Economic Report – Exhibit A).

**NO FACTUAL SUPPORT FOR ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES:**

One of the changes called for in the proposed Whitfield/HSUS bill is the elimination of all “weighted” shoes for Tennessee Walking Horses. It is indisputable that this provision alone would eliminate approximately 85% of the show and performance horses as outlined in the attached list of “weighted” shoes and associated number of horses. The attached exhibit shows that at sanctioned horse shows, approximately 85% of the classes allowed for participation require a weighted shoe and, under this legislation, those classes and corresponding horses would be eliminated. (Exhibit B attached).

The stated reason for eliminating 85% of the Industry show horses is the allegations that “all horses are sore.” This incorrect statement is continually reinforced by using undocumented and inaccurate inflammatory language that “rampant soring continues”, and there is “massive abuse” in the industry.

It even appears that the legislation's authors have been able to convince 2 professional organizations, the American Association of Equine Practitioners and the American Veterinary Medicine Association, to make an inaccurate statement with no basis in fact that “because the inhumane practice of soring Tennessee Walking Horses has continued and because the industry has been **unable to make substantial progress** in eliminating this abusive practice, the AVMA and the AAEP believe a ban on action devices and performance packages is necessary to protect the health and welfare of the horse.” (Emphasis added).

These organizations have stated publically that “there is little scientific evidence to indicate that the use of action devices below a certain weight are detrimental to the health and welfare of the horse...” (AAEP/AVMA joint statement June 14, 2012). As professional organizations, it is surprising that they support legislation that completely disregards their own public statements and the only comprehensive scientific study that has been performed, the “Auburn Study” (Attached as Exhibit C), that documented that the pad and action device utilized today and recognized in current regulations do not cause harm to the horse.

Additionally, the motivations and professional integrity of these organizations must be called in to question as they seek to eliminate the Tennessee Walking Horse industry while remaining strangely quiet about the abuses and deaths that occur on a daily basis within the Thoroughbred Industry. In the period of 2009-2011, over 3000 thoroughbred horses died as a result of racing or the training connected to racing. In this same time period, ONE Tennessee Walking Horse participating in show events died. (See the attached New York Times article regarding this issue – Exhibit D). Interestingly, the AAEP, regarding a piece of legislation seeking to add more regulation to the racing Industry, encouraged Congress to work with the Horse Racing Industry regarding issues it had, not eliminate it as they are proposing here.

However, these inflammatory and incorrect statements by this legislation’s sponsor, the Humane Society of the United States and their supporters are easily countered by FACT. According to the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (“APHIS”), the regulatory agency charged with managing and overseeing the Horse Protection programs, the HPA compliance rate for the HIO-affiliated Tennessee Walking Horse shows was 98.5% over the period 2009-2012. In fact, in the last year, USDA violations at the Tennessee Walking Horse National Celebration decreased by 33%. Those

are the facts. Most importantly, these compliance rates are by and large a result of SUBJECTIVE testing methods, subject to human bias and mistakes, rather than science-based OBJECTIVE testing.

We have not been able to find any other Industry, either government-regulated or self-regulated, that is 98.5% compliant using clearly subjective inspection protocols. By way of example, based on publicly reported numbers generated by the U.S. Department of Agriculture, its Food Safety and Inspection Service (FSIS) branch reports an approximately 98% compliance rate for 2010 and 2011, using we hope objective inspections as they are dealing with our countries food supply. If the Federal government's own agency is to be believed, and which is in direct contradiction to the misrepresentations of Congressman Whitfield, the Humane Society of United States and their supporters, only a very small percentage of Tennessee Walking Horses are out of compliance with the HPA. We believe, however, that with common-sense and realistic reforms, this number can be further reduced through the industry's proactive reforms and self-regulation.

Proponents of this bill also claim the weighted shoes used by 85% of the Tennessee Walking horses currently competing are used to "hide" abuse. They claim such soring techniques are "regularly used" and have been "documented". However, the only documented instance of "pressure shoeing" in the last four or five years was detected through inspections performed by an HIO inspector – not the USDA. We are unaware of the USDA ever prosecuting any individual for allegations related to "pressure shoeing" abuse despite the hundreds of digital x-rays performed by USDA inspectors over the years.

In fact, veterinarian review (Attached as Exhibit E – Statement of Dr. John Bennett) of the Tennessee Walking Horse credits the use of pads with the decrease in laminitis issues found in competition Tennessee Walking Horses as compared to other competitive breeds. Also, Tennessee Walking Horses

regularly compete into mid-teen ages and the World Championship Horse show has a class designated for Classic Horses, which are those 15 years of age and older and in this year's Celebration, 32 Classic horses competed.

**THE CURRENT SUBJECTIVE INSPECTION PROCESS:**

As noted, it is extremely important that you as a Member of Congress understand the inspection process and methodology placed upon the industry by APHIS. Under the Horse Protection Act, both Designated Qualified Persons (DQPs), inspecting on behalf of the HIOs, and APHIS inspectors utilize subjective testing methods. Nevertheless, the inspection procedure currently used is one of the most extensive and intrusive used in any agriculture-related inspection.

The subjectivity creates significant inconsistencies, allows for the introduction of personal bias and creates constant problems and conflicts. What other industry goes through a series of inspection stations by both DQPs and Government VMOs prior to competition and can pass but fail an inspection 30 or 45 minutes later after it competes?

How can consistency be achieved when 2 different USDA inspectors disagreed 26% of the time when inspecting the same horse at the same time? (See Exhibit F – Joy Smith Affidavit) These are consistent and constant problems that can and should be solved. But, again, even with this subjectivity, the industry's horses have a 98.5% compliance rate.

**CLAIMS REGARDING “FOREIGN SUBSTANCE” TESTING:**

Another claim made by the sponsor of this legislation and his Humane Society of United States allies is that in one instance of testing, 52 out of 52 horses tested positive for the presence of foreign substances and, therefore, must be sore. Under current regulation and the testing methodologies used by the USDA inspectors, the Department has a zero-tolerance policy. The current testing methods essentially require a horse’s foot area to be sterile with the exception of certain lubricants identified in the regulations— despite the fact that the Act only prohibits foreign substances which are intended to alter the gait of the horse or mask the inspection process.

Even a proponent of H.R. 1518 (USEF – United States Equine Federation) has said that “zero-tolerance” is an unacceptable protocol. Numerous experts in the field of mass spectrometry (the technology used by USDA inspectors) agree that, given the current technology and advances since its introduction in 1970, a zero tolerance protocol is unacceptable. The technology has improved exponentially and detection on the level of 1 part per billion is possible.

An additional issue with the Department’s Foreign Substance Policy is that they have not developed or identified any type of baseline or tolerance level. They have not established by policy or regulation which “foreign substances, and at what particle level, cause soreing. The current “foreign substance” testing returns a “positive” result for any substance present on the horse’s foot – including those which common sense would tell you are not intended to alter the horse’s gait such as hoof paint, fly spray and other normal equine care products.

Additionally, in 2012, the Walking Horse Trainers' Association instituted a swabbing program aimed at protecting the welfare of the horse and increasing compliance by its member trainers. Both the AAEP and AVMA were approached in face-to-face meetings and through correspondence soliciting the organizations' involvement in development of the swabbing program and participation in its implementation. Neither the AAEP nor the AVMA chose to assist the industry in its efforts to eliminate soring and, instead, issued a statement supporting the ban on pad and action devices which was contradictory to their previous public statements.

Most significantly, however, is the fact that the Department has NEVER brought an HPA violation case against ANYONE for ANY foreign substance violation. This fact shows that even the Department knows that their methodology, protocols, lack of baseline, lack of any independent or peer-reviewed scientific data concerning acceptable or unacceptable foreign substance and process would not stand up under scrutiny in a court of law.

The statements, therefore, by the author of H.R. 1518, the Humane Society of the United States and their supporters that "all horses are sore", that "rampant soring continues" and that there is "massive abuse" are, quite simply, factually incorrect and not backed up by any fact whatsoever. When an organization is pushing an agenda, the truth is not a concern. For any individual or group to attempt to use these findings as support for their claims that these horses are sore and/or that the shoes and actions devices should be removed is absurd.

**ADDITIONAL EXPENSE TO FEDERAL GOVERNMENT OF PROPOSED LEGISLATION:**

The Legislative History and records regarding creation of the Horse Protection Act and the amendments in 1976 indicate the clear intent of the legislation was to provide for industry self-regulation that was overseen by and partnered with the Department of Agriculture and APHIS. In fact, the amendments passed in 1976 were a response to the Department's failure to adequately inspect and Congress's recognition of the need to create industry inspection methodology through the creation of the Horse Industry Organizations. H.R. 1518 guts the very foundations of the Horse Protection Act and these amendments from 1976, eliminates the self-regulatory mechanics of the bill and turns over to the Department all control, oversight, authority and actions. And yet Congressman Whitfield has stated that "this amendment...does not cost the federal government any additional money." That statement is false and, in fact, this legislation will cost a great deal if enacted.

First and foremost, the elimination of the HIOs will require ALL tickets written at shows to be adjudicated by the Department as, currently, the HIOs handle that process for the majority of the written tickets. So any ticket written for scar rule, foreign substance detection, soring, etc., must be dealt with by Government staff, attorneys, and support personnel as we certainly would not question Congressman Whitfield's belief in due process of law. Therefore these violations must be provided that process.

Secondly, the legislation, if enacted, would require additional funding due to the fact that the entire inspection resources of the HIOs will be eliminated and replaced with Government-selected inspectors. The Government, therefore, will have to recruit, manage and schedule for participating shows

approximately 100 new Government inspectors. As the Department is currently only able to inspect approximately 6% of HIO-affiliated events, this inspector number would need to be increased accordingly if the Tennessee Walking Horse industry is able to continue its existence as the author of H.R. 1518 claims will be the case.

Despite claims of rampant abuse, from 1982 to 2012, a thirty (30) year period, there were 34 USDA HPA prosecutions which were appealed to a court of appeals and/or judicial officer. Under the proposed legislation, the USDA would be responsible for prosecuting all alleged violations identified by USDA certified inspectors. The USDA's Program Activity Reports for 2011 indicate 683 violations and in 2012 indicate 582 violations. Based on the USDA's reports and the allegation that soring is "rampant" and remains undetected, the USDA will be responsible for the prosecution, and any subsequent appeals, of, at a minimum, hundreds of alleged violations each year.

APHIS has admitted that for the current violations they find from their attendance at 6-8% of the shows they believe that the **investigation** can be completed within 365 days. Also, in a filing in the recent lawsuit, and left undisputed by the DOJ, it was estimated the time lapse between the alleged violation and a decision appealed from the Administrative Law Judge to the Judicial Officer was 49 months. If the accused chose to appeal the Agency decision to an Article III court, the time lapse between the alleged violation and final decision was approximately 70 months. Just these timeframes alone brings into question the viability of this Whitfield/HSUS program to "end soring" since it could be years until a case is prosecuted – if ever.

All expenses associated with DQP training are currently paid for by the HIOs. This includes requirements for an all-day training session EACH year for EVERY inspector, additional sessions for those inspectors



who could not attend the initial session, a recurrent session of at least 4 hours EACH year for EACH inspector. It also includes a continuation of the Department's regulatory requirement of APHIS oversight, monitoring and appraisal of the performance of new inspectors, the apprenticeship requirement of all new inspectors for 2 shows and, as the legislation provides a preference for veterinarians, have a ready schedule of extra inspectors due to professional requirements that conflict with show requirements.

Additionally, regulations require a significant amount of reporting for each show, proper training and actions associated with their enforcement responsibilities and proper consideration and actions related to the provision of due process of law for those charged or ticketed with violating the Horse Protection Act. And since these new inspectors are federal government employees or subcontractors the security currently required by APHIS will need to be extended to every inspector at every show – not an insignificant cost. All of this while taking into account that the majority of the shows occur on the weekends when most busy professionals want and need personal time with their families. ***The cost of all of these items will be the responsibility of the United States government.***

The USDA itself has recognized the significant costs associated with the undertakings proposed by this legislation. During the rulemaking process of adopting the Regulations implementing the industry self-regulation HIO program, the USDA stated the following:

“[comments] suggested that the DQP program should be operated by the Department and the applicants should be trained and licensed directly by the Department. **The Department has neither the personnel nor the funds to carry out such an extensive undertaking and feels that the DQP program should**

**remain in the realm of industry self-regulation.”**

44 Fed. Reg. 1158, 1160 (emphasis added).

- Additionally, as part of the 2011 rulemaking regarding the adoption of mandatory minimum penalties, the USDA stated the following:

“The Act provides us with the authority to pursue civil and criminal penalties against persons who violate the Act. However, **such proceedings may be time-consuming and expensive, and our resources for prosecuting such cases are limited.”**

76 Fed. Reg. 30864, 30865 (May 27, 2011)(emphasis added).

The Office of the Inspector General’s Audit Report of September 2010 also found the following regarding expenses of HPA enforcement:

- Page 113: “Given its limited resources – which APHIS regards as inadequate to send its own veterinarians to the approximately 500 horse shows that are held each year – the agency implemented the program by collaborating with horse industry organizations sponsoring the shows.”
- Page 126: “According to the Horse Protection Act, APHIS employees have the authority to inspect horses and initiate civil proceedings against individuals who are suspected of having abused their horses. Because **these proceedings can be long, expensive, and have**

**unpredictable results, APHIS has structured its enforcement process so that horse industry organizations and DQPs are the primary parties responsible for issuing immediate penalties to individuals for violating the Horse Protection Act.”** (emphasis added).

Even without taking on activities associated with the inspection process as contemplated by this legislation, as recently as January 11, 2012, the USDA recognized the time and expense associated with just the investigation and prosecution of alleged violations. The USDA has already been forced to prioritize its activities based on limited resources while operating under the current HIO program. (Exhibit G -Jan. 11, 2012, corr. from Gregory L. Parham, USDA Administrator). For the proponents of the proposed legislation to assert there would be no additional costs incurred by the USDA in undertaking to perform ALL inspections and prosecutions, including those currently performed through the HIO system, is unfounded.

Congressman Whitfield also stresses the point that the use of these government inspectors, due to elimination of the DQP Program, is voluntary. In the Horse Protection Act amendments passed in 1976, Congress recognized that the Department of Agriculture could not manage and did not have the capabilities to inspect all of the walking horse shows. Congress, therefore, set up the DQP Program. This legislation eliminates that program, establishes a government-selected and managed program and proposes to pass the inspection costs on to the show manager. If a show manager, however, chooses NOT to utilize this government inspector, he or she assumes the risk and personal liability of an HPA violation and the associated criminal or civil liability. We doubt that many show managers, if any, will believe the provisions of H.R. 1518 are “voluntary.”

**CONCLUSION:**

As we have noted throughout this statement, H.R. 1518 would eliminate approximately 85% of the current Tennessee Walking Horse industry and 85% of the industry's economic value to the communities and families that make up this industry. It would result in the unconstitutional taking of over \$1.3 billion in property without just compensation through the elimination of the value of these performance horses. It would result in a negative economic impact of over \$3.2 billion and the loss of thousands of jobs in each of the affected areas.

It would have a significant cost to the Government through the new requirements and tasks that would have to be assumed by the Department of Agriculture. It violates the intent and spirit of the original Horse Protection Act. It seeks to prohibit weighted shoes and action devices that have been found to have no harmful effect under current regulation. It continues an inspection process that is, by definition, unworkable as it utilizes subjective testing and foreign substance policies that are not realistic, defined or scientifically valid.

The Performance Show Horse Association is committed to the elimination of the small minority of people who sore horses for competitive advantage. As the industry has a 98.5% compliance rate, that number is a small minority. But this elimination must occur in a common-sense, realistic manner that recognizes the original intent of the Horse Protection Act by maintaining the HIO system, requiring shows to be a part of that system, by instituting scientifically valid testing protocols and inspection methods, by eliminating the conflicts of interest and, in so doing, show these magnificent animals in a competitive, but safe, manner.

Our industry is not perfect and more work remains. We can say, however, that we have made, and will continue to make, great strides in eliminating the small minority of bad actors in our sport. No other component of the equine industry can say that. Our industry did not have 3,000 horses die in the last four years.

This legislation, if enacted, will destroy the proud and historic Tennessee Walking Horse industry and this Subcommittee, through this and other statements, testimony and reflection will agree with this analysis. We do, however, remain committed to work with Congress, the Department of Agriculture and APHIS and other reasonable people on realistic common-sense reforms and revisions that eliminates the sore horse, not the show horse.

Thank you for your time and attention to this Statement and we appreciate your consideration of this material. We hope that after the consideration of these facts and supporting material, rather than our opponent's continued uses of misinformation and inflammatory language, you will understand and appreciate the progress we have made. But we know more needs to be done and we would encourage the Subcommittee to consider the recommendations we have suggested as they represent a common-sense and realistic approach that can make our industry achieve our goal of protecting our horses and saving our industry.



TENNESSEE WALKING HORSE BREEDERS' AND EXHIBITORS' ASSOCIATION™

*Rob Cornelius, President • Tracy Boyd, Executive Director • Dee Dee Miller, Executive Secretary*

**To Whom it May Concern:**

The Tennessee Walking Horse Breeders' & Exhibitors Association (TWHBEA) is the official breed registry of the Tennessee Walking Horse. In addition to maintaining official pedigrees, TWHBEA's mission is to assure the general welfare of all Tennessee Walking Horses, encourage the expansion of the breed, and to promote greater awareness of the horse and its qualities. As it is chartered at the present time, TWHBEA plays no role whatsoever in the regulation under or enforcement of the Horse Protection Act of 1970 as amended.

The House Energy & Commerce Committee website includes Marty Irby as a witness during the congressional hearing on H.R. 1518, a bill to amend the Horse Protection Act. He is listed as an International Director and Past President of the Tennessee Walking Horse Breeders' & Exhibitors' Association. The titles following his name may imply to some that he is testifying on behalf of TWHBEA.

Permit me to clarify that TWHBEA did not receive an invitation and has made no arrangement to send any witness to testify in any fashion on H.R. 1518. Irby will be there on his own accord, and any statements or opinions he may offer at the hearing have not been authorized or directed by TWHBEA and therefore, may not necessarily reflect the mission of our organization. TWHBEA respectfully requests that you take this into consideration during any testimony he may offer.

Turning to the merits of H.R. 1518, this bill threatens to eliminate an entire division of our breed in that it will essentially end a major component of horse show competition that has existed for many years. TWHBEA is committed to supporting sound horses in all divisions, whether in competition or not. The performance division has been a vital part of our industry and if eliminated, the effects on the industry along with the economic impact for many people, towns, organizations, and charities (as traditional benefactors of so many shows) will be disastrous. If passed, this legislation will deal a staggering blow to the industry since participation in the performance division has been the primary source contributing to the economic sustainability of the industry for so long. This is a change that would be unlikely ever to be reversed.

H.R. 1518 is a controversial topic within our organization. It is safe to say, however, that all 8,200 of our members are in agreement in wanting a sound horse both in and out of the show ring. The problem within the show aspect of our industry is not pads and action devices. The problem is the act itself of soring a horse. H.R. 1518 fails to address that factor as the root of the problem within our industry. If passed, it will penalize an entire industry, including so many who work every day both diligently and lawfully in compliance with the current Horse Protection Act, rather than finding and punishing the few remaining "bad apples" who give our entire industry a bad name.

TWHBEA has historically and undisputedly voted to oppose the soring of our great horse. During Irby's tenure as president of TWHBEA, for example, he was on record as recognizing the real problem within the industry and TWHBEA's consistent response:

"TWHBEA has always supported the use of pads and action devices. However, the Association is also committed to the elimination of soring. In order to move forward we must focus on ending this horrific practice within our industry so that our great performance show horse can continue to thrill and excite crowds all over the country." (*Marty Irby, Past President of TWHBEA.*)

Please understand that eliminating pads and action devices as presented in H.R. 1518 will not eliminate soring! The only workable way to end soring will be through a joint effort and commitment of the stakeholders in the Tennessee Walking Horse industry working through the U.S.D.A. structure now in place to continue ever-tightening enforcement of the Horse Protection Act to find and eliminate the "bad apples.". The elimination of sore horses cannot and will not be accomplished through this overbroad legislation. Progress towards a sound horse is being made within our industry at every show. There is an altogether different and sounder performance horse today than we had even ten years ago. A continuation of thoughtful enforcement, as has been the case in recent years, rather than legislation calculated to serve the interests of many who are not employed in the industry, will be productively effective to change a culture and to make a continuing shift toward a new style of performance horse.

Thank you for your commitment to making the right decisions for our horse and our industry and the law-abiding people of our industry. Please consider the collateral damage to result economically should this bill become law and weigh this consideration against the better approach of considering more support for an extension of the present efforts of the U.S.D.A. Both in terms of budgetary costs and resulting economic damage, H.R. 1518 is simply not something our country needs at this time. Consideration of all these factors is vital to the future of our breed and our registry, however, so if you have questions please do not hesitate to contact TWHBEA.

Sincerely,



Rob Cornelius  
President  
TWHBEA

TWHBEA respectfully requests that this document be included in the minutes of the November 13, 2013, Subcommittee on Commerce, Manufacturing, and Trade hearing on H.R. 1518.