

March 22, 2008

Dr. Rachel Cezar
Horse Protection Coordinator
USDA-APHIS-Animal Care
4700 River Road, Suite 6D03
Riverdale, MD 20737

RE: USDA Proposed Protocol for Foreign Substance Penalty

Dear Dr. Cezar,

The Western International WIWHA is committed to promoting and protecting the welfare of the Tennessee Walking Horse, and preserving the TWH industry for future generations. Since the enactment of the Horse Protection Act (HPA) in the early 1970's, there has been significant improvement in the handling and presentation of the Tennessee Walking Horse. In order to continue this progress, the TWH industry would like to work collaboratively with USDA to further increase compliance with the HPA, and supports the appropriate use of technology to do so. The WIWHA has also previously expressed to USDA their willingness to collaborate on evaluating new technology, including providing horses that can be used in the evaluation of such technology. However, the WIWHA has several concerns about USDA's recent proposal to institute foreign substance penalties in the 2008 show season using the Gas Chromatography/Mass Spectrometry (GC/MS) test.

1) First of all, there is an Operating Plan currently in place for the 2007 - 2009 show seasons. The majority of HIOs are currently following this operating plan, which has been agreed to by USDA. There was a significant investment in both time and energy by the HIOs and USDA, including some very difficult negotiations, to reach agreement on this Operating Plan. This Operating Plan references and includes foreign substance violations of the Horse Protection Act. Since this Operating Plan is currently in effect, the penalties as outlined in it should be the ones that remain in place throughout the 2007 - 2009 show seasons. Any additional changes such as the addition of federal penalties should be discussed with the industry for the next iteration of the Operating Plan. To do otherwise calls into question the sincerity, integrity, and necessity of the Operating Plan.

2) Unfortunately, this appears to be another eleventh hour change by the Department, just as the show season is about to start. Last year, the Department did the same thing, by making a policy decision to pull the probation period out of the Operating Plan a week or two before the show season started. The industry needs to be notified well in advance of policy decisions that could significantly impact them, so that productive discussion can occur and a level of trust in the system can be developed. Also, in order for a national program to be effectively implemented, it is critical that policy changes be introduced in such a way that the industry has adequate time to respond. Ideally, any proposed changes should initially be introduced in the fall, well prior to the start of the show season.

3) The WIWHA supports the appropriate use of new technology in the inspection process. Before new technology is introduced however, the technology needs to be validated for use in the horse show environment and the data needs to be shared with the industry. This will ensure transparency and trust in the new technology and will allow the industry an opportunity to ask any questions, and raise any concerns. Before the new gas chromatography/mass spectrometry (GC/MS) test is used to bring federal cases, we respectfully request the following information:

Data showing how the technology was validated for use in the show environment, and/or for use on the legs of horses. How many positive tests were correlated back to known substance use on horses? How many negative tests were correlated back to horses known to be free of all substances?

What is the sensitivity and specificity of the test in a horse show environment? (ie expected level of false positive and false negative results?)

4) Although the new GC/MS test has been used on a trial basis at horse shows, the industry has only been provided summary data findings. Owners have not been notified of test results on their horses, and therefore have not known when there was a need to take any corrective action. Before the new GC/MS test is used to bring federal cases, we respectfully request that for the 2008 -2009 show seasons, the GC/MS trials continue and that owners of all horses tested be notified of results.

5) The WIWHA will work to ensure that trainers do all they can to be in compliance with the HPA. To help ensure that the "sniffer" technology works as it should without causing false positive results and in the interest of transparency, we request some guidelines on its use that can be provided to the trainers. For example;

* How long before a show do trainers need to be sure to not use any cosmetic or other non-injurious salves in order to avoid having the "sniffer" register a positive response? Although the HPA states that no foreign substance other than show provided lubricants are allowed on a horse's leg while at a show, there are many non-injurious substances that may routinely be used on a horse for a variety of reasons prior to the show, such as soap residue from bathing, or hoof blacking dye. What is the latest these types of non-injurious substances can be used without causing positive tests? There is an article titled "Determination of clenbuterol in horse hair by gas chromatography—Tandem mass spectrometry" by Popot et al in. In that study which was done to investigate drug detection in samples of horse hair from the coat (on the neck), mane, and tail, three clenbuterol studies were conducted on a total of four horses. The study indicates that a retrospective analysis-measurement of clenbuterol in the tail was possible for up to 13 months after the last administration of drug. This may or may not correlate to use of the "sniffer" at horse shows, but raises some concerns regarding residual substances that may be detected.

*What if trainers/handlers have hand cream on or OTC antibiotic cream on their own hands? How much can get transferred by handling horses feet before causing a positive test? Do trainers and others need to use gloves?

6) Protocols for use of the GC/MS test at horse shows need to be developed and

distributed prior to its use, including appropriate collection and handling of samples.

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