

1. Congress passed the Horse Protection Act in 1970 to eliminate the cruel and inhumane practice of soring horses. How close are we to achieving the goal?

In light of the fact that the USDA is able to attend only 6% of affiliated events, HPA self-regulation through certified HIOs has provided substantial strides in effectuating the Act and its regulations since the Act was passed in 1970. Additionally, the HIO system has provided for immediate disqualification from competition, horses found to be non-compliant as well as industry-imposed penalties for violators.

This question posed by the APHIS begs the question “by what standard do you measure success in ‘eliminating the cruel and inhumane practice of soring horses’”? In considering this question as it relates to the HPA enforcement, it must be kept in mind that the enforcement process involves not one (1), but two (2), levels of subjectivity. HPA enforcement pursuant to its regulations involves the inspection of large animals by unfamiliar humans who conduct manual palpation in an environment that is unfamiliar to the animal being examined, i.e., large, crowded, dusty and noise horse shows. The OIG Audit of 2011 recognized that “Because inspections are performed by hand their quality and results can vary greatly.”

By way of example, based on publicly reported numbers generated by the USDA, its Food Safety and Inspection Service (FSIS) branch reports an approximately 98% compliance rate for 2010 and 2011. The inspections performed by FSIS are to ensure the nation's commercial supply of meat, poultry and egg production is safe in order to protect human health and safety. FSIS inspections are based upon objective standards enforced by USDA FSIS inspectors yet the USDA is only able to report an approximately 98% compliance rate on these issues directly affecting human health and safety. Together the USDA and the HIOs statistically have compliance rates above the 95% level. Have we eliminated the practice of soring, no, we are not yet there. It is my belief that this can best be accomplished through working together, HIOs and USDA, toward this end.