

## **USDA LISTENING SESSION RESPONSE:**

### **1. Congress passed the HPA in 1970 to eliminate the cruel and inhumane practice of soring horses. How close are we to achieving the goal?**

The HPA as stated was passed by Congress in 1970. If you look at the horses in the ring now as compared to even 3 or 4 years ago there is vast improvement. Also, the scar rule has become a non issue in the last couple of years. I give credit to Dr. Gipson and the USDA for initiating and give credit also to the trainers for responding to his request. As President of SHOW HIO, I attend nearly all of the large SHOWs which are affiliated with SHOW. The USDA attends most of these shows. In 2011 alone the USDA was present 27 nights at SHOW shows. The USDA wrote very few tickets besides the ones that we at SHOW wrote. Similar results were achieved at other HIO shows. This proves that the goal is being achieved and the difference is easily explained by the fact that when the USDA is present they check 2 extra horses post show. Therefore, if there is a typical show with 30 classes or more, then there are 60 more horses examined on any given night when the USDA is present.

Since the USDA's goal according to the HPA and regs is the oversight of the DQPs and their performance, I believe the USDA is coming very close to achieving their goals.

### **2. Can the industry achieve a consensus on how to carry out a self-regulatory program to enforce the HPA in a consistent way?**

In late Fall of 2011, the industry under the leadership of the trainers association, the Celebration, TWHBEA, WHOA and several HIOs have started a Unity Committee. This committee is aggressively working to standardize rulebooks, shoeing and showing standards as well as working toward inspection standards.

The problem I see as a real problem in the future is the same problem which has been around for years. In 2011, there were over 600 unaffiliated horse shows advertised on the internet. If there is this number on the web, how many are there in reality. Over bearing regulatory activity by the HIOs or by the USDA will simply drive even more of these shows underground. I was in the deep south a

couple of weeks ago at a gathering of some people who routinely show at these “unsanctioned” shows. I was there because some of these trainers wanted to know if their horses were “clean” enough to show at sanctioned shows. It turns out the majority of these horses were not near to HPA standards so I asked some of the trainers/owners how many shows did they attend that weren’t affiliated. Their answer was that they had 20 to 30 shows yearly just in that little area and many more if they wanted to drive a few miles. My question then is... How then is over regulating protecting horses.

### **3.What responsibilities should USDA-HIOs have within the industry?**

First, in my opinion and I have told Dr. Gipson this, you cannot standardize the end result of inspections as in the penalties if you first don’t level the front end of the inspection process. An HIO could have the death penalty for foreign substance or bilateral or whatever, but if that HIO never calls either of these violations then it really doesn’t matter what the penalty is.

All HIOs should have the same oversight and all horses should be inspected the same. If a horse is examined a certain way in Middle Tn and DQPs are held to certain standards by the USDA in Md Tn, then horses and HIOs should be held to the same exact standard whether in south Ms, or NW Oregon or wherever. This has not been the case in recent years. If horses in Tn or where ever have to go through a gauntlet of examinations as in thermography, DQPs, swabs, radiographs,VMOs, and so on , it should be the same everywhere.

I have been told by more than one VMO that they could not check the horses the same way in other areas of the country as they do in middle Tn because if they did few of the horses in the other areas would pass. Again I ask, if this is about caring and protecting the horse, how is this happening.

If our goal as regulators is to ultimately protect the horse, then by God lets protect the horse no matter where it is.

If you truly want self regulation to work, make sure that all inspectors are not vested in the industry. SHOW DQPs are not associated with the TWH industry. Each SHOW DQP signs a non conflict agreement. They earn their living outside the industry and do not show themselves nor do they have direct family that shows. Non Conflicted inspectors is one way the USDA could prevent a lot of problems inside the self regulatory aspect.

#### **4.How can the industry reconcile its inherent competition aspect with ensuring compliance with the HPA?**

Competition is competition. There are however new endeavors inside the industry and any new endeavor requires education to all stakeholders. Give these HIOs who are trying to help this horse time to do so. Farrier seminars are a good example. When Dr. Cezar, Dr. Gipson and Dr. Turner and several local equine vets from this area first met shortly after a scar rule ridden Celebration, we all soon figured out that unbalanced shoeing and contracted heels were a big source of the industries problems. Therefore, several farrier seminars have been held with the USDA in attendance and this has greatly helped the trainers, DQPs and VMOs with the scar rule issue. However, the main impact is that it has helped the health of our horse.

There will soon be other initiatives coming from inside the industry which are going to help educate all within the industry and therefore help our horse. Give us time to get these started. We may all be surprised where we end up. Also I don't want to hear well you have had 40 years to clean this up and it still isn't clean. The truth is that all of us have not had 40 years and some of us have done more in 3 years than even the USDA has done in over 40 years of oversight.

#### **5.What can the USDA do now and in the future to ensure compliance?**

Recognize that certain HIOs are doing what they are supposed to do. Some are truly trying and successfully protecting the horse. The AAEP wrote a TWH White

Paper. As far as I know very few HIOs are following these guidelines. Also, the USDA needs to publically recognize that some of the high profile cases which the HSUS is trying to take credit for were in reality caught by self regulatory bodies inside of the industry. In fact, SHOW HIO, was directly involved in catching 2 out of these large cases which OIG has prosecuted this past winter. Also, SHOW HIO is the first to ever catch a swapping case or the first to catch and suspend someone for using a distraction device.

If you over regulate you will eventually drive all shows underground. If this happens not only does the industry suffer but mainly the horse will suffer .

#### **6.What responsibilities should the USDA have within the industry with respect to enforcement and what hinders oversight of the HIOs and/or the industry?**

The USDA is constantly trying to change the bar and that does nothing but hinder the HIOs which are trying to ensure compliance. I have told more than one person in several meetings with USDA officials that SHOW and others like them will clean up this industry ( and it is well under way) if the USDA will simply get out of our way. Each minute, day or hour I spend working on regulatory junk is a minute, day or hour I could have spent working on education for the industry.

#### **7.Should there be a prohibition of all action devices?**

#### **8. Should there be a prohibition of pads?**

Pads or packages and 6 oz or less action devices do not sore horses . The large Auburn Study done by Purohit and Vaughn stated as one of their results and I quote “ Thus, it was concluded that the use of 2,4 and 6 oz action devices.....did not produce any harmful effects to the horses’ legs, with exception to some loss of hair”

Unless there is some scientific study that I am unaware of , I cannot imagine why this subject is even considered.

**9. Currently the HPA and regs have a shoe and weight limit on yearlings. Should there now be shoe and weight limit for all aged horses?**

There currently is a shoe limit provided for performance horses in the HP regs. The heel to toe measurement and the toe to pad measurement have been invaluable to ensure the health of the horse. Sheryl Crawford documented a multi world champion that she owns being brought out of pasture where he had been for 3 months, being shod and having an action device put on him. This is one of many documented cases which prove our horse can hit the "big lick" and can be exciting without all of the alledged soring.

The weight of the pads is much less than the weight of some flat shod shoes which are used with many other disciplines. A typical package consisting of 4 flats and a wedge will usually weigh 3 pounds or less. Some flat shoes used at other shows can weigh as much as 8 to 9 pounds per shoe. SHOW HIO has limited the use of these heavier shoes by limiting the types of metal which can be used in the majority of our disciplines and by regulating particular sizes of shoes in each of these disciplines.

In conclusion, I would like to thank all associated with the USDA for this listening session. I hope your intent is correct and I believe it is. However, I appreciate the time you have taken to listen to some of us who live and love this great horse .