



American Veterinary Medical Association Governmental Relations Division

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H.R. 1518/S. 1406 Prevent All Soring Tactics (PAST) Act

AVMA Position: Active Pursuit of Passage

Summary:

This bill would amend the Horse Protection Act (HPA) to designate additional unlawful acts, strengthen penalties for violations, improve USDA enforcement, and for other purposes. Specific provisions include:

- Defines “action device” to include any boot, collar, chain, roller, or other device that encircles or is placed upon the lower extremity of the leg of a horse.
- Creates a penalty structure that requires horses to be disqualified for increasing periods of time, based on number of violations. (from 180 days to 3 years)
- Requires USDA to license, train, assign and oversee inspectors enforcing the HPA.
- Makes the actual act of soring illegal or directing another person to cause a horse to become sore.
- Prohibits use of action devices on any limb of Tennessee Walking Horses, Spotted Saddle horses, or Racking horses at horse shows, exhibitions, sales or auctions. Also bans weighted shoes, pads, wedges, hoof bands, or other devices that is not strictly protective or therapeutic in nature.
- Increases civil and criminal penalties for violation.
- Allow for permanent disqualification for violators on their third or higher violation.

Background:

- ‘Soring’ is the act of deliberately causing pain to exaggerate the leg motion of high-gaited horses, such as Tennessee Walking Horses.
- The Horse Protection Act was passed in 1970, with the goal of ending soring.
- This inhumane practice, despite being illegal for 40 years, is still used far too often by many owners and trainers to win in the show ring.
- Horses are sored in many ways. Caustic materials (e.g., kerosene, mustard oil) may be used to injure the skin of the lower leg, the hoof and/or sole may be ground to expose sensitive tissues, hard objects may be inserted between the shoe pads and the sole, metal hoof bands may be over tightened, or improper shoeing techniques may be used. Irrespective of technique, the purpose of soring is to cause the horse pain so that it lifts its legs faster and higher (known as the “big lick”).
- Soring is so common that many trainers and owners believe they must use it just to be competitive.
- While rest and training may allow some horses to recover from soring, others suffer irreversible foot damage and are crippled for life. The mental damage done to the horse can make rehabilitation difficult, if not impossible.
- Unfortunately, insufficient funding and other resources for enforcement, unethical owners and trainers, show judges that reward bad behavior and strong political influence by the industry have contributed to a culture of corruption so that, more than 40 years later, we are still seeing horses being sored.

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Justification:

- The focus and intent of H.R. 1518/S. 1406 is consistent with AVMA's policy on the [Practice of Soring](#).
- Provisions that ban actions devices and performance packages are consistent with the [AVMA/AAEP Position on the Use of Action Devices and Performance Packages for Tennessee Walking Horses](#).
- H.R. 1518/S. 1406 makes the actual act of soring illegal, and clarifies and broadens who is culpable when horses are sored. It increases civil and criminal penalties, and allows for permanent disqualification of violators. **These amendments are important deterrents and give officials more legal authority to charge and prosecute violators.**
- Passing this bill would end the use of designated qualified persons (DQPs) as inspectors (an enforcement approach that has been woefully unsuccessful) and establish a new program whereby independent inspectors would be licensed, trained, and overseen by the USDA. Such a change is consistent with recommendations made by the AAEP in its [2008 white paper](#), more recent suggestions made by [the AVMA and the AAEP](#) to USDA, and the AVMA's [response](#) to the [USDA's 2011 proposed rule](#) on minimum penalties for violation.
- Many examples prove soring is still common in the walking horse industry, including:
 - [145 of 190 horses](#) tested positive for illegal foreign substances, including, but not limited to, skin irritants and dyes. And, in one case, the foreign substance was a known carcinogen;
 - Well-known trainers, like [Barney Davis](#) and [Jackie McConnell](#) (now with a lifetime disqualification), have been convicted of this crime;
 - Nine percent [of participants](#) at the 2012 National Celebration were found in violation of the HPA, which shows virtually no improvement from the 9.5 percent rate at the 2011 event; and,
 - Violation detection rates are consistently five to 10 times higher when U.S. Department of Agriculture regulators are present, compared to the shows in which the industry is self-policing.
- The AVMA fully supports USDA in their efforts to continue enhancement and enforcement of regulations promulgated under the HPA, as well as the prosecution of HPA violators.
- The AVMA has aggressively worked to educate stakeholders (e.g., equine and non-equine veterinarians, horse owners, trainers, legislators, and the public) about soring, with the goal being cessation of the practice.
- The AVMA is steadfast in its commitment to its strategic goal to "promote animal welfare", and this legislation is consistent with that goal.

Resources:

- View AVMA's resources on soring at: www.avma.org/soring
- USDA-APHIS' Horse Protection Program: http://www.aphis.usda.gov/animal_welfare/hp/index.shtml

Current Status:

H.R 1518: Introduced by Congressman Whitfield (KY-1st) on April 11, 2013 and referred to the House Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade.

S. 1406: Introduced by Senator Ayotte (NH) on July 31, 2013 and referred to the Senate Committee on Commerce, Science, and Transportation.

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