TESTIMONY OF

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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 sored.

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 sored 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*

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Inspections Performed</th>
<th>Total Violations Issued</th>
<th>Percent in Violation</th>
<th>Number of Violations with USDA in attendance</th>
<th>Violations Issued with USDA in attendance</th>
<th>Percent in Violation with USDA in attendance</th>
<th>Percent of Violations Issued with USDA in attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>109,008</td>
<td>629</td>
<td>0.6%</td>
<td>7,984</td>
<td>355</td>
<td>4.4%</td>
<td>56.4%</td>
</tr>
<tr>
<td>2008</td>
<td>111,932</td>
<td>637</td>
<td>0.6%</td>
<td>7,245</td>
<td>371</td>
<td>5.1%</td>
<td>58.2%</td>
</tr>
<tr>
<td>2009</td>
<td>70,122</td>
<td>889</td>
<td>1.3%</td>
<td>5,798</td>
<td>781</td>
<td>13.5%</td>
<td>87.9%</td>
</tr>
<tr>
<td>2010</td>
<td>77,241</td>
<td>1,388</td>
<td>1.8%</td>
<td>7,164</td>
<td>627</td>
<td>8.8%</td>
<td>45.2%</td>
</tr>
<tr>
<td>2011</td>
<td>84,023</td>
<td>1,111</td>
<td>1.3%</td>
<td>9,680</td>
<td>587</td>
<td>6.1%</td>
<td>52.8%</td>
</tr>
<tr>
<td>2012</td>
<td>71,254</td>
<td>743</td>
<td>1.0%</td>
<td>9,962</td>
<td>582</td>
<td>5.8%</td>
<td>78.3%</td>
</tr>
<tr>
<td>Total</td>
<td>523,580</td>
<td>5,397</td>
<td>1.0%</td>
<td>47,833</td>
<td>3,303</td>
<td>6.9%</td>
<td>61.2%</td>
</tr>
</tbody>
</table>
Table 2: HPA Violation Statistics at Tennessee Walking Horse National Celebration 2007-2013

*Source: USDA*

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

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
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