



October 26, 2016

Docket ID: APHIS-2011-0009
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road, Unit 118
Rockville, MD 20737-1238

Re: Docket ID: APHIS-2011-0009. Horse Protection Act: Licensing of Designated Qualified Persons and Other Amendments

Dear Ms. Juarez:

The American Veterinary Medical Association (AVMA) and the American Association of Equine Practitioners (AAEP) condemn the practice of soring to accentuate a horse's gait for training or show purposes, and support the Animal and Plant Health Inspection Service's ongoing efforts to enforce the Horse Protection Act (HPA). We applaud the U.S. Department of Agriculture moving forward with this Proposed Rule to amend the HPA regulations in ways that are necessary to protect the welfare of horses. The AVMA and AAEP appreciate the opportunity to submit these comments to the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) on the proposed changes to the Horse Protection Act (HPA) regulations.

General Comments on the Proposed Rule

The AVMA and AAEP fully support taking action to end the soring of the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds as quickly as possible. The AVMA and AAEP have always opposed soring and supported the enforcement of the HPA. There is no question that soring is an abusive practice that should not be tolerated or allowed to continue. Various efforts initiated since the enactment of the HPA 46 years ago to stop the soring of so-called "big lick" walking horses have not accomplished the purpose of the 1970 Act: to end soring. Improvements to the HPA enforcement program are clearly needed and justified.

It has become increasingly obvious that a primary focus of regulatory change should be to prohibit the use—wherever the Horse Protection Act is in force—of equipment that has been proven to be associated with soring in the breeds most often sored: Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses. In 2012, the AVMA and AAEP called for an end to the use of "action devices" (including chains, ankle rings, collars, rollers and bracelets of wood or aluminum beads) and "performance packages" (also called "stacks" and "pads"). These devices, still in widespread use, can make it possible to mask the underlying causes of soring while increasing the pain felt by these animals. They exacerbate the pain of chemical irritants applied to the legs; facilitate concealment of other objects that produce pain; cause the hoof to strike the ground at an abnormal angle and with excessive force; and damage the hoof, all for the purpose of producing an unnatural, exaggerated gait.

Additionally, the AVMA and AAEP support the regulatory changes that would eliminate the horse show industry's failed self-policing system that is rife with conflicts of interest and unable to ensure compliance. The current system of utilizing Designated Qualified Person (DQP) licensing programs, sponsored by Horse Industry Organizations (HIOs), has never worked and must be replaced. The AVMA,

AAEP, and the veterinary profession support creating a structure where only USDA-licensed, trained, and supervised inspectors, held accountable by the agency, are made available for hire by show management to inspect horses for compliance with the HPA. The USDA Inspector General concurs with this assessment, having made a recommendation in its 2010 audit to replace the HIO/DQP model with a system of inspectors licensed and supervised directly by the Department.

However, it is equally important that any new regulations be focused on addressing the problem of soring and specifically the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds, which have a long history of soring abuse and violations. Soring is a problem that is recognized in a specific segment of the horse industry.

The AVMA and AAEP do not believe that this regulation will prohibit or intends to prohibit the use of supportive pads or shoeing practices in breeds or disciplines outside the Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse breeds, as they do not result in, nor are they purposely used as part of, efforts to sore horses. However, we would encourage the USDA to provide further clarification for the horse industry regarding the use of pads, hoof bands, and foreign substances to quell fears that the proposed changes will prohibit practices that do not have a reasonable expectation to cause soring.

The PAST Act (S. 1121/ HR 3268), which is supported by most major horse show organizations, the American Horse Council, every state veterinary medical association in the United States and a majority of members of Congress, includes prohibitions similar to the proposed rule. The PAST Act, however, explicitly limits such prohibitions to the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds. We understand there may be practical limitations to enforcement of the regulation as USDA Animal Care will need support in the form of resources and finances and trust that every effort will be made to focus on the horses at greatest risk of being sored.

Specific Comments on the Proposed Rule

Prohibited Actions, Practices, Devices, and Substances

The AVMA and AAEP strongly support a ban on action devices (including chains), weighted shoes, stacks, and performance packages on the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds.

The AVMA and AAEP request USDA modify 11.2 to read: “The use of the following equipment or practices is specifically prohibited with respect to the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breed.”

While the AVMA and AAEP support new paragraph (a)(3) of § 11.2, prohibiting the use of any weight on yearling horses, excepting a keg or similar horseshoe, and also prohibiting horseshoes weighing more than 16-ounces on yearling horses, we also recommend that the shoe for horses of all ages must be made completely of rubber, plastic, aluminum or steel, and that the dimensions cannot exceed 1 1/2 inches by 1/2 inch and the shoe cannot obstruct the use of hoof testers on the sole and frog.

While the AVMA and AAEP appreciate the suggested changes proposed for paragraph (b)(13) of § 11.2 re-designating this paragraph as paragraph (a)(5) and amending it to remove the reference to pads, we do not believe that permitting the use of any hoof packing for horses in the Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse breeds within this rule is necessary, prudent, or beneficial for these horses, especially with the inclusion of the prohibition on stacks and performance packages.

The AVMA and AAEP support the changes proposed in paragraph (b)(18) as (a)(7) of § 11.2; however, we recommend you amend it further by adding prohibitions on excessive paring of the frog and/or sole and

on intentional bruising of the hoof; and by adding that horses showing any other indications of pressure shoeing are considered sore and subject to all the prohibitions in the Act.

Scar Rule

The AVMA and AAEP support paragraphs (a) and (b) of § 11.3 regarding the scar rule; however, we would recommend in (a) the addition of “anterior-medial” so that it reads:

(a) The anterior, anterior-medial, and anterior-lateral surfaces of the fore pasterns (extensor surface) must be free of bilateral granulomas, other bilateral pathological evidence of inflammation, and, other bilateral evidence of abuse indicative of soring including, but not limited to, excessive loss of hair.

In addition, we recommend the following text be included in this section of the rule:

For horses born after [TBA – a date close to the implementation of the rule], the entire surface of the pastern, including the sulcus or “pocket,” must be free of bilateral granulomas, other bilateral pathological evidence of inflammation, and other bilateral evidence of abuse indicative of soring including, but not limited to, excessive loss of hair, and must be free of uniformly thickened epithelial tissue, proliferating granuloma tissue, irritation, moisture, edema, or other evidence of inflammation.

Horses subject to this rule that do not meet the above criteria shall be considered to be “sore” and are subject to all prohibitions of section 5 of the Act.

Horse Protection Inspectors (HPIs)

The AVMA and AAEP strongly support USDA’s decision to eliminate the current Designated Qualified Person (DQP) program and remove Horse Industry Organizations (HIOs) from having a role in enforcement of the HPA. The AVMA and AAEP support the creation of the new Horse Protection Inspector (HPI) program and strong safeguards to prevent conflicts of interests.

Conclusion

The AVMA and AAEP support APHIS’ efforts to strengthen enforcement of the HPA. Changes to the HPA regulations are clearly needed and justified. We appreciate the opportunity to comment and provide needed feedback on behalf of our organizations’ memberships.

About the AAEP

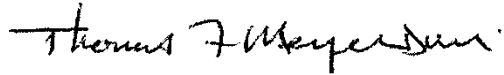
The AAEP, headquartered in Lexington, Kentucky, was founded in 1954 as a non-profit organization dedicated to the health and welfare of the horse. Currently, the AAEP reaches more than 5 million horse owners through its nearly 9,400 members worldwide (nearly 7,900 in the United States) and is actively involved in equine welfare and ethics issues, practice management, research, and continuing education in the equine veterinary profession and horse industry.

About the AVMA

As one of the oldest and largest veterinary medical organizations, with more than 88,000 member veterinarians worldwide engaged in a wide variety of professional activities and dedicated to the art and science of veterinary medicine, the mission of the AVMA is to lead the profession by advocating for its members and advancing the science and practice of veterinary medicine to improve animal and human health. The Association has a long-term concern for, and commitment to, the welfare and humane treatment of animals.

If you have any questions or require additional information, please do not hesitate to contact Dr. Cia Johnson, Director, AVMA Animal Welfare Division, at 847-285-6696 or via e-mail to cjohnson@avma.org or Mr. Keith Kleine, AAEP Director of Industry Relations, at 859-233-0147 or via e-mail to kkleine@aaep.org.

Sincerely,



Thomas Meyer, DVM
2016-2017 AVMA President



Kathleen M. Anderson, DVM
2016 AAEP President