



1931 N. Meacham Rd.
Suite 100
Schaumburg, IL
60173-4360
phone 847.925.8070
800.248.2862
fax 847.925.1329
www.avma.org

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Dr. Rachel Cezar
Horse Protection Coordinator
USDA-APHIS-Animal Care
4700 River Road, Suite 6D03
Riverdale, MD 20737

Dear Dr. Cezar:

The AVMA and the AAEP condemn the soring of horses and have consistently supported enhancements to the Horse Protection Program that have the potential to help eliminate this practice. We appreciate the opportunity to provide input for the Department's review concerning the Horse Protection Act's implementing regulations and their enforcement. The following are the AVMA's and the AAEP's specific concerns and recommendations.

Decertification of Non-Compliant HIOs

Pursuant to the Department's directive in December 2010, all Horse Industry Organizations (HIOs) with certified Designated Qualified Persons (DQP) programs must incorporate mandatory penalties in their respective rule books for the 2011 show season. However, to our knowledge, HIOs that have not incorporated mandatory penalties have not been decertified. Continuing to allow HIOs with non-compliant DQP programs to play a role in enforcement, not only creates an uneven playing field for owners, trainers, and exhibitors, but also undermines HIOs that have compliant DQP programs. Show management and exhibitors often seek out HIOs with weaker penalty structures and/or choose to not affiliate with an HIO at all. The Department should aggressively pursue any and all regulatory actions that require all HIOs with certified DQP programs to enforce the HPA and its regulations to the fullest extent of the law, and should decertify DQP programs that are determined to be non-compliant. Alternatively, as stated in AVMA's comment in response to Docket APHIS-2011-0030, this issue could be eliminated with the institution of independent veterinary inspections.

Aggressive and Timely Prosecution of Civil and Criminal Cases

While we were very pleased to learn of last November's successful prosecutions under the HPA, more than 400 federal tickets were issued at the National Celebration in 2010 and few were prosecuted or resulted in penalties. Without effective and timely prosecution of federal cases, violators will continue to exhibit sore horses, and deterrence derived from federal prosecution is undermined. Furthermore, when large numbers of federal tickets are issued and not pursued, it adversely impacts the Department's credibility. The Department should identify the most egregious cases to prosecute each year in a timely manner, and should commit sufficient resources to pursue effective prosecution of criminal cases by the Department of Justice.

Holding Show Management Responsible – Notably Unaffiliated Shows

Despite attending some unaffiliated shows, it appears the Department has not been successful in adequately enforcing Section 11.24 of the HPA regulations. In the absence of adverse consequences, the number of unaffiliated shows will and has continued to grow, thereby increasing opportunities for owners, trainers, and exhibitors to show horses in violation of the HPA. The Department must inform the management of all shows (with a focus on shows with a high suspicion of soring), that they are required to comply with the HPA and its regulations and will be held liable for any violations occurring at their show in the event that management chooses not to affiliate with an HIO. Additionally, the Department should inform show management affiliating with HIOs that have not instituted mandatory penalties as directed by the Department that they are not in compliance with USDA requirements.

Report and Prosecute Foreign Substance Violations/Use Thermography and Radiography in Prosecutions

The Department has invested considerable resources in developing a protocol for detection of foreign substances, including a defensible chain of custody and a list of prohibited substances. The same applies to digital imagery. If technologies are applied only for screening, rather than evidentiary purposes, their utility is limited. The Department should maximize its use of applied technologies by incorporating them as enforcement tools in the prosecution of federal cases, and if deemed necessary, include that information in the HPA regulations.

Increase Effectiveness by Focusing on Show Selection and Utilizing VMO Quality Control and Undercover Observation

Given its limited personnel and financial resources, the Department can likely be more effective by concentrating on the collection of evidence for use in the prosecution of federal cases. The Department can send Veterinary Medical Officers (VMOs) and Investigative and Enforcement Services (IES) personnel to events that are strategically selected to maximize enforcement impact and have those individuals focus their efforts on evidence collection for the most egregious violations. This will send a strong message to violators (including show management) that violations have consequences and will be prosecuted.

Drug Testing

Drugs are often administered to mask chemical agents used to sore horses. As the practice of soring becomes more sophisticated, there is concern about not only the external application of topical substances, but also about drugs administered internally to mask the effects of those substances. The United States Equestrian Federation (USEF) routinely conducts random testing at its affiliated events, as does the state of California. The Department should consider including a random drug testing protocol and companion enforcement structure as part of its overall review of the HPA regulations.

Pulling Pads and Shoes on Padded Horses

Pressure shoeing is an integral part of soring and continues to be pervasive as evidenced by multiple documented cases. In its recommendations for ending the soring of Tennessee Walking Horses (see:

<http://www.aaep.org/images/files/AAEP%20White%20Paper%20on%20TWH%20Soring.pdf>), the AAEP expressed concern about this practice and recommended the Department develop a

protocol to detect pressure shoeing and pressure soring. The Department should include a protocol for the pulling of shoes, pads and packages as part of its enforcement of the HPA and associated regulations. The protocol might include a random selection of horses having pads/shoes pulled at inspection and/or a weight limit on the pad/shoe giving an objective measure to use for enforcement and prosecution of violators.

Request for Increased Funding in the President's Budget

For the Department to effectively enforce the HPA and its regulations, it needs additional funding to ensure that adequate enforcement and investigative personnel can be placed in the field, current technology is fully utilized, new technology is pursued as needed, and federal cases are prosecuted in a timely and effective manner. As has been acknowledged, \$500,000 was inadequate to fund an effective Horse Protection Program. We are pleased that House and Senate conferees have recommended increased funding in the amount of \$696,000, but more support is needed. The Department must continue to include in its budget justification a request for the level of funding required to meet the needs identified above, all of which are essential to effective enforcement of the HPA and its regulations.

Thank you, in advance, for your careful consideration of our concerns and recommendations.

Sincerely,



René A. Carlson, DVM
AVMA President



John A. Mitchell, DVM
AAEP President

CLJ