

Sound Horse Conference

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Ohio State University Equine Medical Center

“Challenges to Compliance Enforcement of the Horse Protection Act”

Panelist,

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Talking Points

Thank you Ms. Shields.

First, I'd like to recognize some important organizations by thanking them for sponsoring this conference:

Ohio State University College of Veterinary Medicine

Friends of Sound Horses (FOSH)

American Association of Equine Practitioners (AAEP)

Tennessee Walking Horse Breeders' and Exhibitors' Association (TWHBEA)

American Horse Protection Association (AHPA)

Humane Society of the United States (HSUS)

To begin, I'm going to read a quote from a colleague.

“Dwelling on anything, positive or negative, is in the same vein as wishful thinking, and doesn't change the reality of something one way or the other. Dwelling on negatives for the sake of being negative is bad. However, studying something negative for the sake of understanding it in order to potentially bring about a solution is good.”

Today we are going to delve into some subjects that will make some in this auditorium mad, make some defensive, make some uncomfortable and make some relieved that the issues are finally being addressed and hope, that as a result of this conference, a solution to this problem called “soring” will be found.

Our topic for this panel today is:

“Challenges to Compliance Enforcement of the Horse Protection Act”

In order to identify the challenges, you must first identify the problems. Then work on arriving at solutions.

I'm going to address each group or situation and how it has contributed to the problem.

Then conclude with how we may help to correct the problem.

INDUSTRY

- Soring impacts:
 - genetics of this horse
 - economics of this industry
 - future of this breed.
- If winners are artificially created, people ultimately breed to the wrong individuals.
- A sore horse is not necessarily the most talented horse.
- Sore horses that win are then put up as breeding stock.
- People flock to winners.
- There are complaints about the judges and their responsibility.
- If judges would not reward sore horses people would stop soring them, because they don't win.
- Some judges are themselves chronic violators, yet they are permitted to hold judges licenses.
- Some judges are allowing horses to stay in the ring when they should be excused, although lately we are seeing an improvement.
- Soring in the south is a cultural problem.
- Some trainers have had soring techniques handed down to them from grandfather, to father, to son.
- Not all trainers are actually horsemen therefore, some trainers resort to soring rather than training.
- Many owners put themselves under direction of their trainers.
- Many owners are not horsemen.
- People say the owners don't know what is happening to these horses.
- But most do know and not only allow it, but encourage it.
- Owners have been known to threaten their trainers with, "If my horse doesn't win, we'll move him, do what you need to do."
- So what are the trainers to do? They are in a "Catch 22."
 - i.e.; the first one to quit soring will be the first one out of business, unless everyone stops soring at the same time.
- Trainers complain that no one gives them credit and that the violation rate has greatly improved.

- Industry claims it is only 2% of the industry that is soring, yet they spend a great deal of time and money defending that 2%.
- Not uncommon for trainers to leave a show when the USDA shows up.
 - As an example: VMOs attended Green Sea, S.C. show, about a week ago. 21 of the 44 classes had NO entries. 16 padded, 23 flat-shod horses showed. There were five federal cases prepared; 3 scar rule, 1 bilateral sore, and 1 unilateral sore.
 - They also attended the North West Arkansas Gaited Horse Riding Club horse show, held on the 5th and 6th. There were 34 classes in this show. All padded and racking classes were cancelled after the USDA showed up.
- Every year the industry quotes of the great improvements.
- To measure the improvement we need to look at the list of violators. Who was soring in the:
 - 1970s
 - 1980s
 - 1990s
 - And now in the 2000s.
- You will find that many of the people on the lists 2000 to 2008 are chronic offenders from the '70s, '80s and 90's. This is the true barometer of success or failure.
- Yet the industry has continued to embrace them.
- In 1986 the CNN, Special Assignment Expose on soring, it was stated by an industry representative that the industry gets 500% better every year.
- Every year the industry quotes a compliance rate ranging from 97% to 98%. How do you improve by 500% every year since 1986 and continue to quote a 97% to 98% compliance rate yearly.
- It would seem the industry should be WAY beyond perfect today, 22 years later.
- The numbers that these percentages are based on are a false barometer of the compliance issue as it really is.
- To show a true compliance rate the calculation needs to be based on the number of actual horses not on the number of entries, which is the number of classes a horse goes in at a particular show.
 - Example:
 - 10 horses attend a show.
 - Each of the 10 individual horses enters 10 classes each equaling a total of 100 entries.
 - 5 of these horses receive a ticket in violation of the HPA.
- Conclusion:
 - 5 of the 100 entries would equal a 95% compliance rate.
 - 5 of the 10 individual horses would equal a 50% compliance rate.
- You ask, then why aren't the percentages reported this way?

- When the industry inspection programs were asked at a recent meeting to provide these individual horse numbers, some of the inspections programs refused to give these numbers and stated they would only consider giving them, if they were never shared with the press. These numbers would make a significant difference in the percentages, as you can see.
- A quote from speech given by Dr. Ron DeHaven, the past Administrator of the USDA, at the AVMA/AAEP convention in Albuquerque, New Mexico in 1999, *“The USDA has documented 673 cases of soring during the past 11 years while attending less than 10% of events where Tennessee Walking Horses are shown. Those who have been put on suspension or have cases pending include:*
 - *9 of the last 11 presidents of the Walking Horse Trainers Association .*
 - *9 of the last 16 winners of the “Trainer of the Year” award.”*
- Part of the problem is in the inspection programs.
- DQPs who do not enforce the law, continue to hold licenses.
- DQPs are conflicted, for example having horses in training at shows where their trainers are showing.
- Another quote from Dr. Ron DeHaven’s speech, *“A senior official with one of the HIOs (inspection programs), was found to have a sore horse during an inspection at a recent show. His response was an apology for bringing a horse in that condition to be inspected, not for putting the horse in that condition.”*
- Yet the USDA did not demand his removal as an official with the policing agency with which he was affiliated or decertify that particular inspection program that he chaired.

CONTROL

- You may ask why people don’t do something about the soring?
- Why don’t people speak out?
- A quote from Dr. DeHaven’s speech, *“The industry has several influential participants who routinely contact members of Congress relative to USDA enforcement of the HPA.....A segment of the industry that uses soring is trying to pressure Congress to restrict the use of funds for enforcement.”*
- When the USDA attempts to crack down on the violators, hordes of industry representatives flock to Washington to lobby the USDA with their political influence peddling, to be more lenient, year after year.
- TWH hired lobbyists are often sent to Washington, D.C., to influence their favorite Congressman or Senator, or for themselves, to sway the upper level bureaucrats within the Department to hinder enforcement.
- As an example of the influence peddling. During one of our Washington, D.C. HIO face to face meetings, a Deputy Under Secretary addressed our meeting. He stated that he had a friend who owned a Tennessee Walking Horse, show horse, and ask for his help with regulatory issues. He said he promised this person that he would help them. Congress’ intent was not for the USDA to practice selective enforcement.

- For many years, this industry has controlled thru fear and intimidation.
- People have had their lives threatened and had their horses killed.
- USDA personal have been threatened.
- Funding has been threatened.
- Appropriations have been threatened.
- One VMO had his tires slashed at horse event where he was inspecting.
- Another VMO found dog feces in his car after a show.
- Some USDA personnel have had to have protection for themselves personally.
- One VMO quit Horse Protection due to concern for the safety of his family.
- When a VMO is viewed by some in the industry as getting tough, industry leaders contact their politicians to apply pressure on the Dept. to get rid of that person.
 - As an example here is list of some of the VMOs that the industry has complained about over the years and attempted to have removed:
 - Dr. Mickey Knowles-1980s
 - Dr. Ron Zaidletts-1980s and 1990s
 - Dr. Joanne Arnoldi-1990s
 - Dr. John Zisk-1990s
 - Dr. Ron DeHaven-1990s
 - Dr. Michael Guedron-1990s
 - Dr. Scott Price-1990s - 2000s
 - Dr. Todd Behre-2000s
 - Dr. John Poe-2000s
 - Dr. Chester Gipson-2000s
 - And soon to be, no doubt, our new Horse Protection Coordinator, Dr. Rachel Cezar.
Welcome to the Tennessee Walking Horse industry and the Horse Protection program!
You now have something to look forward to.
- VMOs have had their careers threatened with investigations, requested by the Tennessee Walking Horse industry thru their sympathetic Congressmen and Senators, which back fired. According to the written report that came back, it was recommended that the Department use this particular VMO (Veterinary Medical Officer) as a role model for VMO training.
 - VMOs have had to have heavy security at horse events in recent years due to threats.
 - As a recent example: At the 2006 Celebration, the USDA had over 100 law enforcement in riot gear on stand-by in strategic places around the Celebration grounds.

USDA

- Act was passed with an appropriation cap of \$500,000 in 1970.
- In 1970 when the Act was passed, \$500,000 would be the equivalent of \$2,669,181.26 in 2007, using the Consumer Price Index.
- Horse Protection Act (HPA) was intended to be a deterrent to stop soring - in the show ring and in the barns. The actual practice of soring, in itself, is not a violation of the HPA, despite the stated intent of the law to eliminate soring. The HPA only makes it illegal to move, show, exhibit, or sell a sore horse.
- Authority for the USDA to enforce the HPA is only granted on the show or sale grounds, not in the trainers' private barns where most soring is performed.
- The federal regulations are very weak.
- Regulations allow violators to sit on the boards of the inspection programs.
- Regulations allow the HIOs to hire lobbyists to lobby against strong enforcement with the very agency that certifies them to enforce the federal law.
- When the USDA has conducted audits of these inspection programs they have found an abundance of federal violations. For example one year the USDA found over 183 pages of non compliant issues ranging from, tickets actually disappearing, to certain individuals who were never required to serve the assessed penalties.
- The USDA allows inspection programs to conduct hearings to have decisions overturned by the inspection board, which in many cases is staffed with violators.
- USDA attends shows and finds inspectors not enforcing the law.
- USDA has not required that inspection programs remove DQP licenses when they have found that they were not doing their job.
- USDA does not inspect the grounds, barns, or monitor the unloading of horses as outlined in the law.
- USDA did not file a case when an individual was actually found applying oil of mustard to a horse in the holding area after he had passed inspection and before he enter the show ring.
- Refuses to decertify HIOs that are NOT enforcing the law.
- When asked why, we've been told it would be political suicide because the non compliant HIOs are heavily backed by certain Senators and Congressmen.
- The USDA has NEVER DECERTIFIED any HIO.
- The USDA has become the enabler.

INSPECTIONS

- I'm going to discuss some of the things that go on in inspection.
- Horses are cosmetically altered to disguise illegal scars.
- Numbing agents are often used on sore horses to pass inspection.
- Horses are stewarded to stand inspection and not react.
- Stewarding is when one person will do a mock inspection of a sore horse's pasterns, by palpating them to illicit a pain response. While the person is doing this, another individual will stand at the horse's side, holding the reins. When the horse reacts to the palpation on the sore pastern in any way, the handler using a baseball bat, 2 x 4, or crop handle, just to name a few, will hit the horse in the head, up side of the neck, yelling at him to quit, etc.
- Grooms are licensed as trainers to take the fall of some trainers that are found in violation of the law.
- Decoy horses are taken thru inspection and switched for the real horse after they pass.
- One trainer told me, when I asked him about it, "So what, we all do that."
- Horses are sored in the holding area, after they go thru inspection and before the go in the show ring.
- Some people will claim that a sore horse will not walk sound.
- False, for example: Have you ever had a sun burn on your legs? Did you limp? Of course not, any more than a horse will necessarily limp if his pasterns have been sored. Especially, if they have been blistered equally on both pasterns, which is the desired technique.
- Pressure shoeing is becoming more and more popular as a means to avoid detection through palpation.
- Hoof testers have been used occasionally. When a pain response has been found, the inspectors do not go to the 2nd leg and examine it. Instead they have allowed them to show in some cases and just sent them back to the barn in other cases.
- Pressure shoeing will be addressed by another panel next in this conference.

SUGGESTED SOLUTIONS

- What can be done to solve some of these problems?
- Require the removal of licenses from DQPs who do not do their jobs.

- Take the money the industry spends on lobbyists and lawyers and spend it on these individuals who are putting this black mark on the industry. Conduct clinics and seminars to improve their skills by teaching them how to train a horse without violating the law.
- Award the individuals who have a clean record. Do not make violators Trainer of the Year, allow them to be President of the Trainers Assoc. or put them in the Celebration Hall of Fame. And likewise remove people who have had violations from the Hall of Fame. Elevate this honor to a level of respectability.
- Decertify inspection programs that have a history of non compliance.
- Pass new regulations that prohibit individuals that have a history of violations, from having any involvement in running the inspection programs. “Fox guarding the hen house.”
- Pass new regulations that outline the requirements for an HIO decertification.
- Pass regulations requiring that all individuals that are on suspension be publish by the USDA on their website so that the public and industry can police itself. Also make it a requirement that suspension information is readily available to the public.
- Pass state legislation that requires that vets that have been found in violation for soring a horse have their licenses removed.
- Have AAEP/AVMA sanction or suspend the membership of vets that have been found in violation for soring horses.
- Have the National breed organization prohibit anyone from serving on their boards who have been found in violation of the HPA.

IN CONCLUSION

- Whether you believe that it is morally reprehensible to sore a horse or that you think you have a right to do whatever you want to do to an animal, it is against the FEDERAL LAW!
- Quoting Dr. DeHaven’s 1999 speech again, *“A benchmark to identify progress in self-regulation will be when the discussion with industry shifts from the degree of allowable scar tissue on a horse’s pasterns to total elimination of all scars on a horse’s pasterns. Ultimately, the welfare of the horse must become a higher priority than winning in the show ring.”*
- It is sad that a 9 year old speech still applies.

There has been a lack of desire to change for over 30 years. We as an industry have spent a great deal of time and money in coming up with ways to white wash a terminal situation and try to sell this to the public by saying, as we have all heard many times, “We’ve come a long way.” Well, we certainly have and we are still soring horses.

As they say, the more things change, the more they stay the same.

As long as the punishment does not exceed the reward, soring will continue.

Congress mandated the enforcement of the Horse Protection Act to the United States Department of Agriculture in 1970. Here we are 38 years later and it continues to plague this horse and this industry. The responsibility for its success or failure rests squarely in the lap of the USDA.

In spite of the efforts of:

- the field people,
- the VMOs,
- the Horse Protection Coordinators,
- and the Deputy Administrators,

To enforce the law, they continue to be faced with the primary reason enforcement is failing. This is because the Under Secretary's offices have continued to acquiesce to the political influence peddling. Without their support this program will continue to fail.

Thank you.