

House Committee on Appropriations  
Subcommittee on Agriculture, Rural Development, FDA and Related Agencies

Testimony submitted by Keith Dane, Director of Equine Protection, The Humane Society of the United States, on behalf of the undersigned horse industry and animal welfare organizations, regarding FY 2011 funding for enforcement of the Horse Protection Act

March 19, 2010

On behalf of the undersigned animal welfare and horse industry organizations, with combined supporters exceeding 12 million, we submit the following testimony seeking an increase in funding for the USDA/APHIS Horse Protection Program to \$900,000, as requested in the President's budget for FY 2011. This funding is urgently needed to begin to fulfill the intent of the Horse Protection Act – to eliminate the cruel practice of soring – by allowing the USDA to strengthen its enforcement capabilities for this law.

In 1970, Congress passed the Horse Protection Act to end soring, the intentional infliction of pain to the hooves and legs of a horse to produce an exaggerated gait, practiced primarily in the Tennessee Walking Horse show industry.

For example, caustic chemicals – such as mustard oil, diesel fuel, and kerosene – are painted on the lower front legs of a horse, then the legs are wrapped for days in plastic wrap and bandages to “cook” the chemicals deep into the horse's flesh. This makes the horse's legs extremely painful and sensitive, and when ridden, the horse is fitted with chains that slide up and down the horse's sore legs, forcing him to produce an exaggerated, high-stepping gait in the show ring. Additional tactics include inserting foreign objects such as metal screws or hard acrylic between a heavy stacked shoe and the horse's hoof; pressure shoeing – cutting a horse's hoof down to the sensitive live tissue to cause extreme pain every time the horse bears weight on the hoof; and applying painful chemicals such as salicylic acid to slough off scarred tissue, in an attempt to remove evidence of soring.

The Horse Protection Act authorizes the USDA to inspect Tennessee Walking Horses and Racking Horses – in transport to and at shows, exhibits, auctions and sales – for signs of soring, and to pursue penalties against violators. Unfortunately, since its inception, enforcement of the Act has been plagued by underfunding. As a result, the USDA has never been able to adequately enforce the Act, allowing this extreme and deliberate cruelty to persist on a widespread basis.

The most effective way to eliminate soring and meet the goals of the Act is for USDA officials to be present at more shows. However, limited funds allow USDA attendance at only about 6% of Tennessee Walking Horse shows. So the agency set up an industry-run system of certified Horse Industry Organization (HIO) inspection programs, which are charged with inspecting horses for signs of soring at the majority of shows. These groups license examiners known as Designated Qualified Persons (DQPs) to conduct inspections. To perform this function, they often hire industry insiders who have an obvious stake in preserving the status

quo. Statistics clearly show that when USDA inspectors are in attendance to oversee shows, the numbers of noted violations are many times higher than at shows where industry inspectors alone are conducting the inspections. By all measures, the overall DQP program has been a failure – the only remedy is to abolish it or greatly reduce dependence on this conflicted industry-run program of self-regulation and give USDA the resources it needs to adequately enforce the Act.

USDA appears to have recently attempted to step up its enforcement efforts, as evidenced in 2009 by a more than twofold increase over the previous year in the number of violations cited at the industry's largest show (the Tennessee Walking Horse National Celebration). However, the top three prize winning horses at that show were all found after their wins to have been in violation of the HPA, and their owners and trainers were allowed to keep the titles and prizes awarded. Horses identified as sore at shows also continue to be shown in subsequent events, and their owners continue to win lucrative prizes. USDA needs enhanced resources to carry out its responsibilities as Congress, and the public, expects.

Lack of a consistent presence by USDA officials at Tennessee Walking Horse events has fostered a cavalier attitude among industry insiders, who have not stopped their abuse, but have only become more clandestine in their soring methods. The continued use of soring to gain an advantage in the show ring has tainted the Tennessee Walking Horse industry as a whole, and creates an unfair advantage for those who are willing to break the law in pursuit of victory. Besides the indefensible suffering of the animals themselves, the continued acceptance of sored horses in the show ring prevents those with sound horses from competing fairly for prizes, breeding fees and other financial incentives, while those horse owners whose horses are sored may unwittingly suffer property damage and be duped into believing that their now abused, damaged horses are naturally superior.

Currently, when USDA inspectors arrive at shows, many exhibitors load up and leave to avoid being caught with sored horses. While USDA could stop these trailers on the way out, agency officials have stated that inspectors are wary of going outside of their designated inspection area, for fear of harassment and physical violence from exhibitors. Recently, armed security has been utilized to allow such inspections, at additional expense to this program. The fact that exhibitors feel they can intimidate government officials without penalty is a testament to the inherent shortcomings of the current system.

In years past, inspections were limited to physical observation and palpation by the inspector. New technologies, such as thermography and “sniffer” devices (gas chromatography/mass spectrometry machines), have been developed, which can help inspectors identify soring more effectively and objectively. However, USDA has been unable to purchase and put enough of this equipment in use in the field, allowing for industry insiders to continually evade detection. With increased funding, the USDA could purchase this equipment and train more inspectors to use it properly, greatly increasing its ability to enforce the HPA.

The egregious cruelty of soring is not only a concern for animal protection and horse industry organizations, but also for veterinarians. In 2008, the American Association of Equine Practitioners (AAEP) issued a white paper condemning soring, calling it “one of the most

significant welfare issues faced by the equine industry.” It called for the abolition of the DQP Program, saying “the acknowledged conflicts of interest which involve many of them cannot be reasonably resolved, and these individuals should be excluded from the regulatory process.” The AAEP further stated, “The failure of the HPA to eliminate the practice of soring can be traced to the woefully inadequate annual budget of \$500,000 allocated to the USDA to enforce these rules and regulations.”

It is unacceptable that nearly 40 years after passage of the Horse Protection Act, the USDA still lacks the resources needed to end this extreme form of abuse. It is time for Congress to give our public servants charged with enforcing this Act the support and resources they want and need to fulfill their duty to protect these horses as effectively and safely as possible.

We appreciate the opportunity to share our views about this serious problem, and thank you for your consideration of our request.

Sincerely,

Keith Dane, Director of Equine Protection  
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