

**Congress of the United States**  
**Washington, DC 20515**

October 24, 2016

The Honorable Tom Vilsack  
Secretary of Agriculture  
United States Department of Agriculture  
1400 Independence Ave, SW  
Washington, D.C. 20250

**Re: Horse Protection; Licensing of Designated Qualified Persons and Other Amendments**  
**[Docket No. APHIS-2011-0009]**

Dear Secretary Vilsack:

We are writing to express our strong support for the above-referenced rule proposed on July 26, 2016, and urge the USDA to act expeditiously to finalize it before the end of this Administration. As lead sponsors and cosponsors of the Prevent All Soring Tactics Act, H.R. 3268, we are pleased that the proposal includes key elements consistent with the PAST Act to strengthen enforcement of the Horse Protection Act (HPA), but also have some concerns about the rule's impact on the wider horse industry where soring is not a problem. Clearly, the agency has the authority under current law to address shortcomings in its HPA regulations that have impeded the effectiveness of this law.

The existing HPA regulations have not been sufficient to put an end to the cruel and illegal practice of soring, in which unscrupulous trainers deliberately injure the legs and hooves of Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses by mechanical and chemical means to create an exaggerated, high-stepping gait known as the "Big Lick" that wins ribbons at some horse shows. For example, the USDA test results from the industry's marquee competition – the 2015 Tennessee Walking Horse National Celebration – showed that 175 of the 200 random samples taken (87.5 percent) tested positive for illegal foreign substances used to sore horses or temporarily numb them to mask their pain during inspection. Despite the agency's best efforts at enforcement under the current regulations, soring remains rampant.

As is clearly explained in the proposed rule, a comprehensive audit issued in 2010 by the USDA Office of Inspector General recommended that the Animal and Plant Health Inspection Service (APHIS) revise its HPA regulations significantly. The USDA committed to rulemaking to abolish the current Designated Qualified Person (DQP) licensing system in its response to this audit. Additionally, in multiple Federal Register notices, the USDA stated the agency's plans to consider banning the pads and chains used as part of the soring process.<sup>1</sup> We agree with your

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<sup>1</sup> 44 FR 25172 (April 27, 1979) and 76 FR 30864 (May 27, 2011). The USDA put the Big Lick faction of the walking horse industry on notice in 1979 that the agency would consider banning pads (also known as stacks or performance packages) and action devices (chains) if they were unable to establish an effective self-regulatory system to end soring within a reasonable length of time. The agency reiterated this position in 2011, stating that it "will seriously consider taking substantially more restrictive action, including, but not limited to, prohibiting the use of all action devices and pads, to accomplish the goal set forth by Congress in the Act."

conclusion: “The Department believes that 38 years has been more than enough time for the gaited horse industry to reform its training practices to comply with the Act.”<sup>2</sup>

**We urge the USDA to ensure that the final rule to improve enforcement of the HPA contains three important provisions consistent with the PAST Act**, which has the overwhelming bipartisan support of more than 260 House cosponsors and 50 Senate cosponsors and has been endorsed by the American Horse Council and more than 60 other national and state horse groups, the American Veterinary Medical Association, American Association of Equine Practitioners, state veterinary groups in all 50 states, National Sheriffs’ Association, Association of Prosecuting Attorneys, animal protection groups, key individuals in the walking horse show world, major newspapers in Kentucky and Tennessee (the states where soring is most concentrated), and many others as indicated on the current cosponsor list and endorsement list. There is a consensus – among all but the scofflaws associated with soring who want to continue committing heinous cruelty, cheating to win unfair advantage at horse shows, and profiting from it, and their handful of defenders in Congress – that these key reforms are urgently needed:

- **Eliminate Industry Self-Policing**: Eliminate the industry self-policing system that is based on DQP licensing programs sponsored by Horse Industry Organizations (HIOs) and replace it with USDA-licensed and trained third-party, independent inspectors who will be monitored by and accountable to the agency for enforcement of the Horse Protection Act. The industry self-policing system has been a failure, rife with conflicts of interest. This was recognized and documented in the USDA Inspector General’s 2010 audit of the Horse Protection Program, and replacement of the HIO/DQP model with a system of inspectors licensed and supervised directly by the Department was the first recommendation of that audit. Such a USDA-overseen system is consistent with the provisions of the PAST Act, which the Congressional Budget Office reviewed in 2014 and estimated would not affect direct spending. All inspections must be conducted by experienced examiners relying on science and evidence in an unbiased manner overseen by the agency.
- **Ban Incentives to Sore Walking Horses**: Prohibit the use – wherever the Horse Protection Act is in force – of equipment associated with soring in the specific breeds known to be subjected to soring using this equipment: Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses. The veterinary community and leading horse industry groups have called for an end to the use of “action devices” (including chains), “performance packages” (also called stacks and pads), weighted shoes, wedges, hoof bands, and other devices that are not used specifically for protective or therapeutic purposes as prescribed by a licensed accredited veterinarian. They have concluded that these devices play an integral part in the soring of these breeds and are an incentive to sore the horse. The devices can cause pain and damage to the horse’s hoof, exacerbate the pain of chemical irritants applied to the legs, facilitate concealment of other objects that produce pain, and cause the horse’s hoof to strike the ground at an abnormal angle and with excessive force. This prohibition should include exemptions for devices prescribed by licensed accredited veterinarians as described above.
- **Apply the Rule to Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses**: These three breeds have a documented history of soring and an ongoing problem with soring that justifies prohibiting certain actions, practices, devices, and substances because of how they are used in those three breeds. Naming these three breeds is vital to ensure the wider horse industry is not adversely impacted by the new regulations or new regulatory burdens are not inadvertently placed on breeds and disciplines that have no history of soring.

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<sup>2</sup> 81 FR 49117 (July 26, 2016).

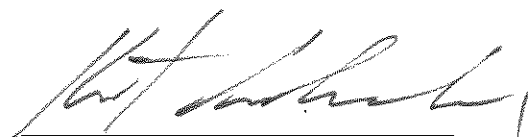
These changes will not destroy the Tennessee Walking Horse industry, as you may hear from opponents of the proposed rule, but will instead save this industry from imploding because of the bad actors who continue to abuse horses at the expense of the breed's reputation. Only approximately 10% of all Tennessee Walking Horses are shown in the Big Lick classes for which horses are subjected to soring to compete. While this segment of the industry has declined tremendously in recent years due to increased public awareness of soring – with plummeting attendance at shows, cancellation of corporate and charitable sponsorships, and falling sale prices for horses and breeding fees – competition in the other classes that involve the rest of the breed is growing. These important regulatory changes, consistent with the PAST Act, will allow those who are trying to play by the rules to finally be free of the stigma that soring brings on the whole industry.

We commend the USDA for proposing a strong rule, and urge you to prioritize the finalization of the rule. As the agency committed in 2010 to promulgate rules to strengthen enforcement of the HPA, regulatory action is long overdue and must be completed before the end of this Administration.

Thank you for your consideration,



Ted S. Yoho, DVM  
Member of Congress



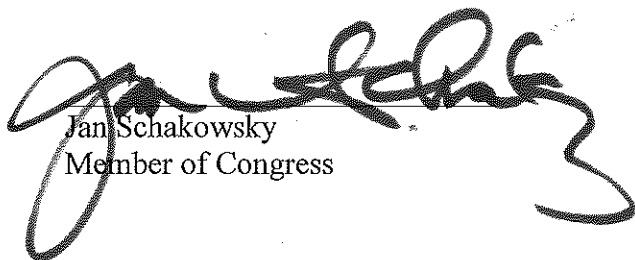
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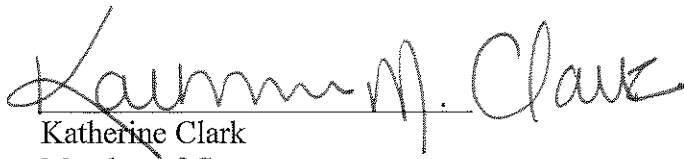
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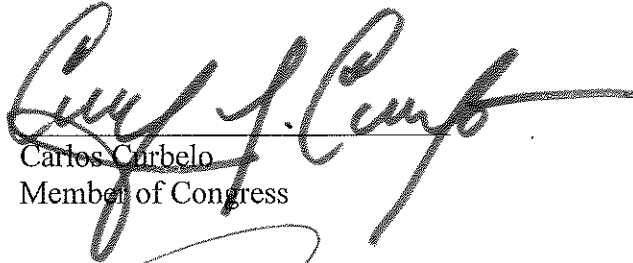
Michael Fitzpatrick  
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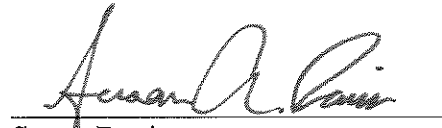
Katherine Clark  
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Chris Collins  
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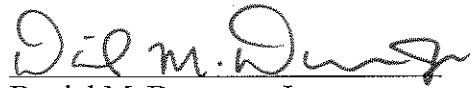
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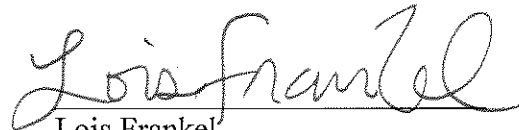
Renee Ellmers  
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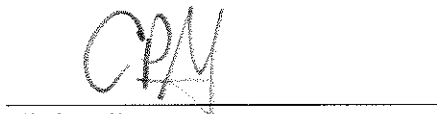
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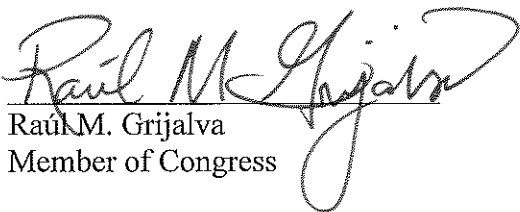
Tulsi Gabbard  
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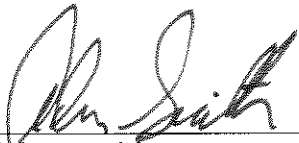
Ruben Gallego  
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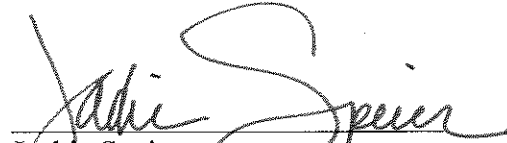
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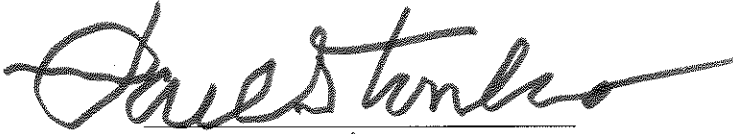
Raúl M. Grijalva  
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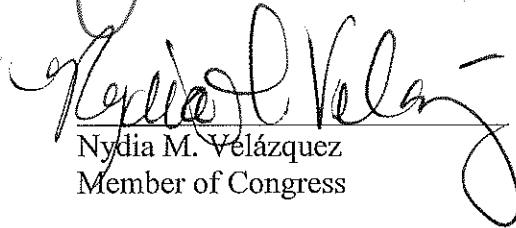
Adam Smith  
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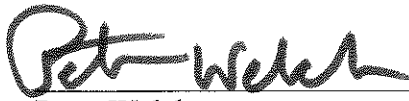
Jackie Speier  
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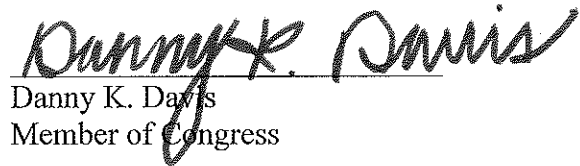
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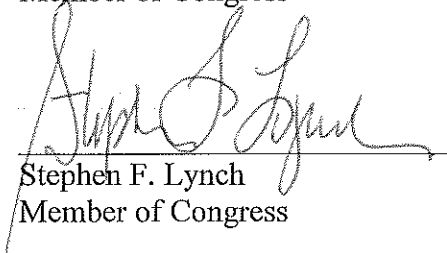
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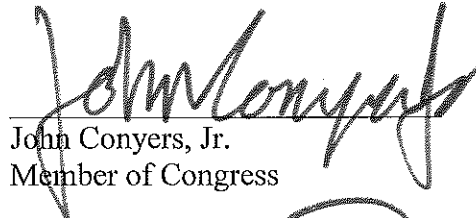
Peter Welch  
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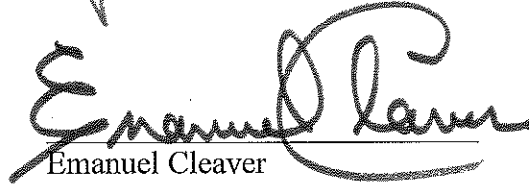
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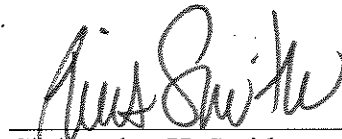
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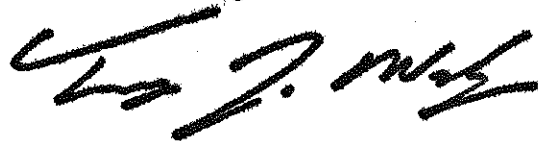
Rick Larsen  
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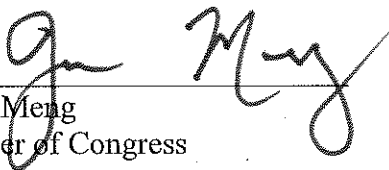
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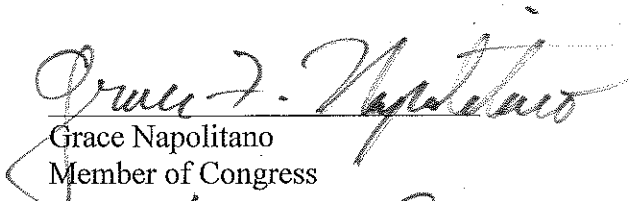



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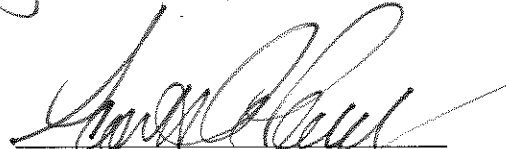


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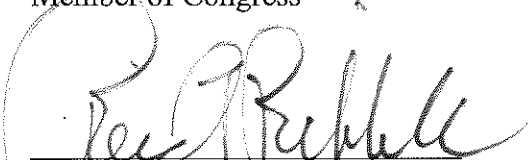
  
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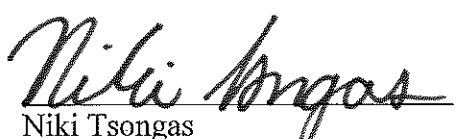
  
Scott Perry  
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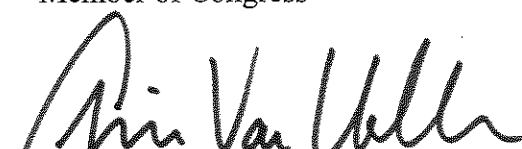
  
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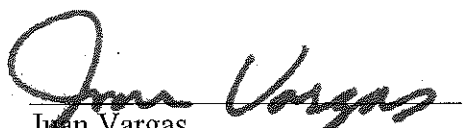
  
Jared Polis  
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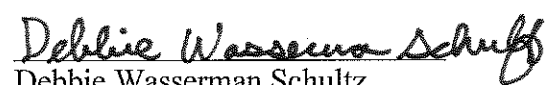
  
Reid Ribble  
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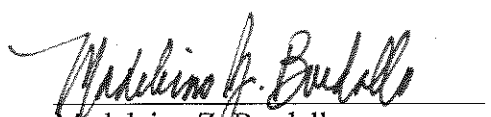
  
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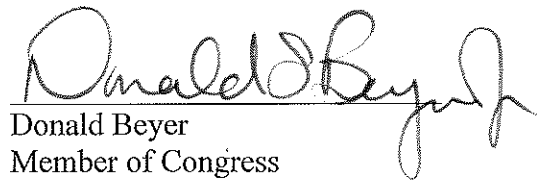
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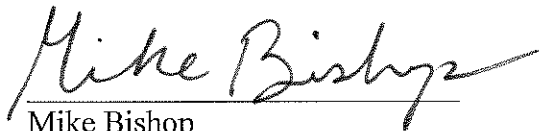
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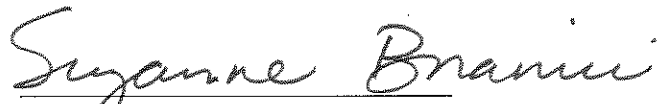
Joyce Beatty  
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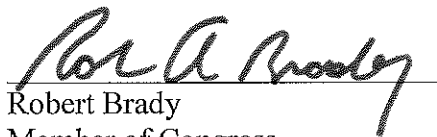
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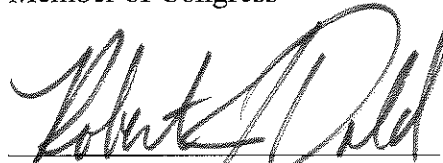
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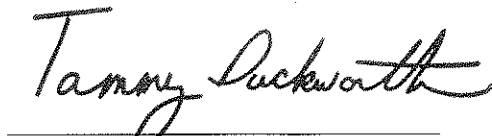
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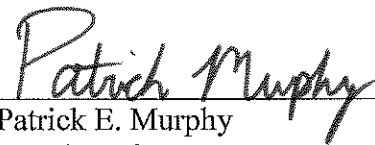
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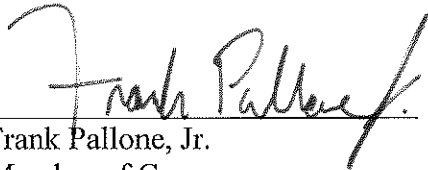
James McGovern  
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Patrick Meehan  
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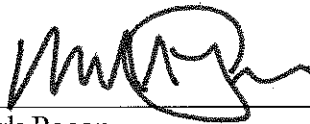
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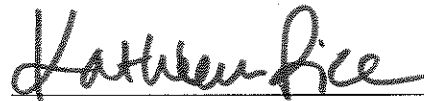
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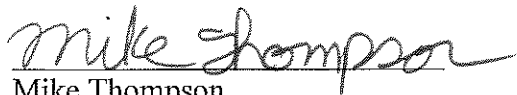


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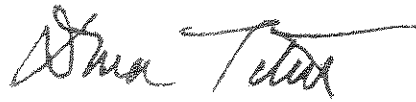


Glenn 'GT' Thompson  
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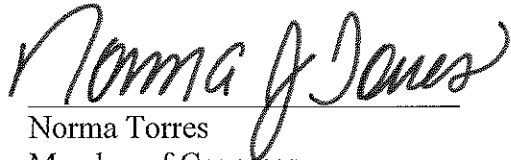




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Dina Titus  
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Norma Torres  
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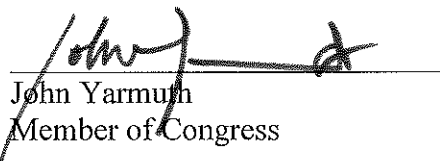
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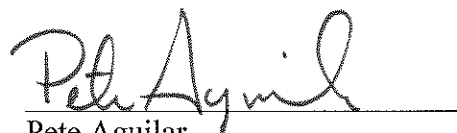
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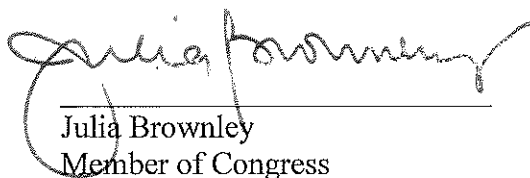
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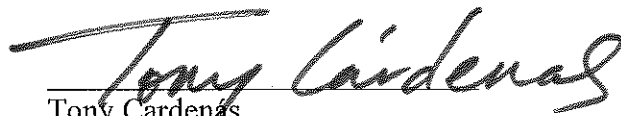
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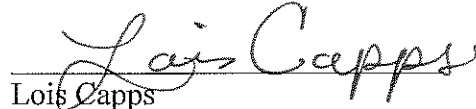
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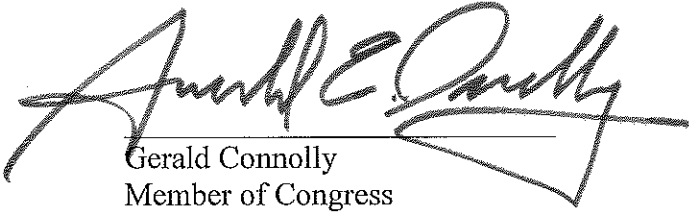
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Wm. Lacy Clay  
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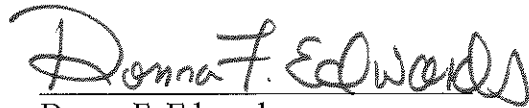
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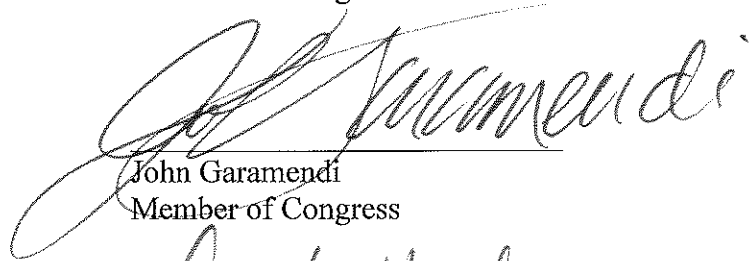
Theodore E. Deutch  
Member of Congress



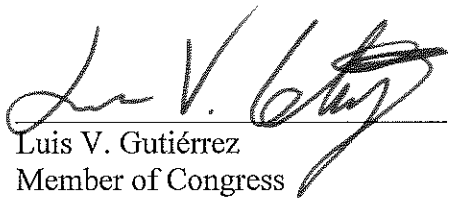
Donna F. Edwards  
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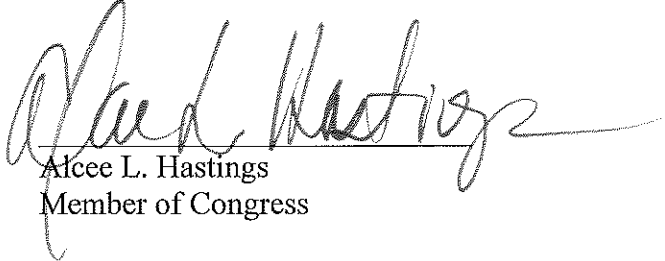
Eliot L. Engel  
Member of Congress



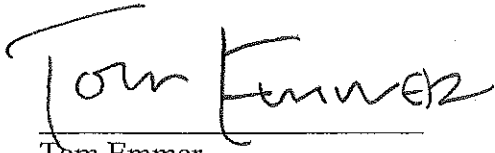
John Garamendi  
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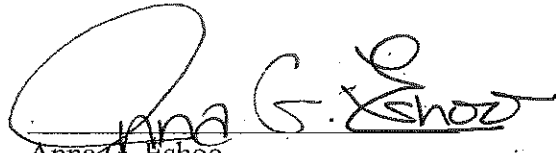
Luis V. Gutiérrez  
Member of Congress



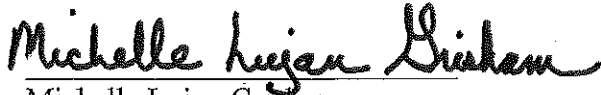
Alcee L. Hastings  
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Anna G. Eshoo  
Member of Congress



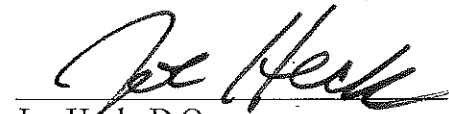
Michelle Lujan Grisham  
Member of Congress



Richard Hanna  
Member of Congress



Denny Heck  
Member of Congress



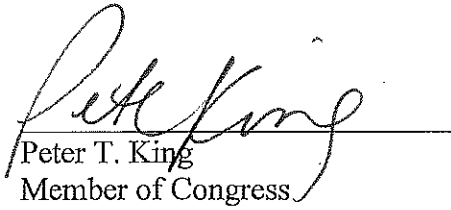
Joe Heck, D.O.  
Member of Congress



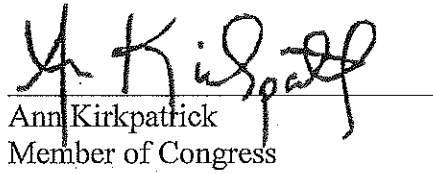
William R. Keating  
Member of Congress



Dan Kildee  
Member of Congress



Peter T. King  
Member of Congress



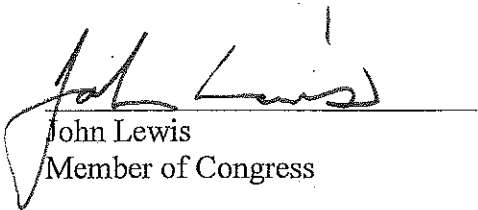
Ann Kirkpatrick  
Member of Congress



Ann McLane Kuster  
Member of Congress



James R. Langevin  
Member of Congress



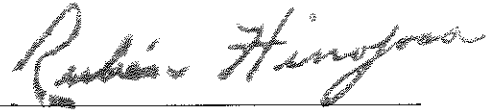
John Lewis  
Member of Congress



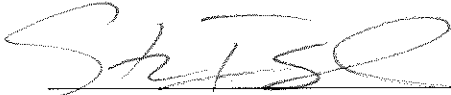
Ted Lieu  
Member of Congress



Brian Higgins  
Member of Congress



Rubén Hinojosa  
Member of Congress



Steve Israel  
Member of Congress



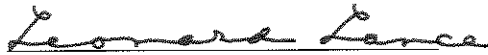
Eddie Bernice Johnson  
Member of Congress



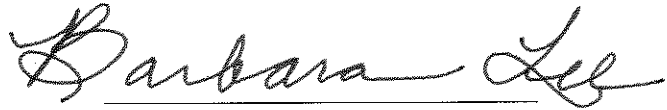
Walter Jones  
Member of Congress



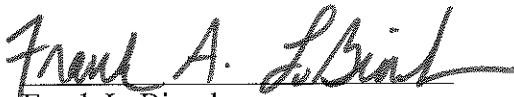
Marcy Kaptur  
Member of Congress



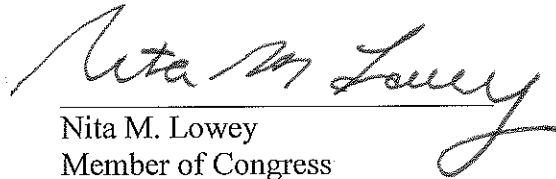
Leonard Lance  
Member of Congress



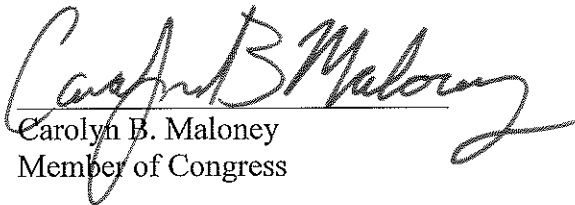
Barbara Lee  
Member of Congress



Frank LoBiondo  
Member of Congress



Nita M. Lowey  
Member of Congress



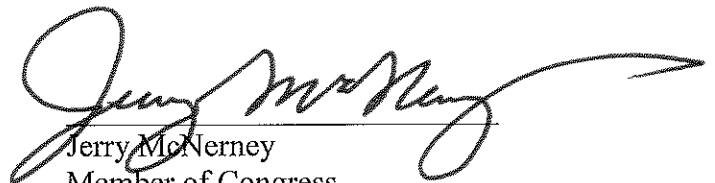
Carolyn B. Maloney  
Member of Congress



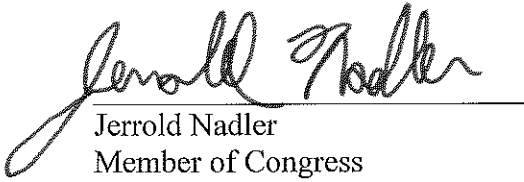
Doris Matsui  
Member of Congress





Betty McCollum  
Member of Congress

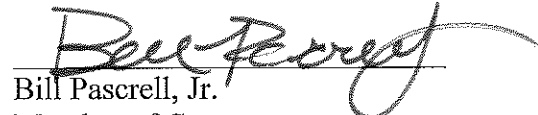



Jerry McNerney  
Member of Congress

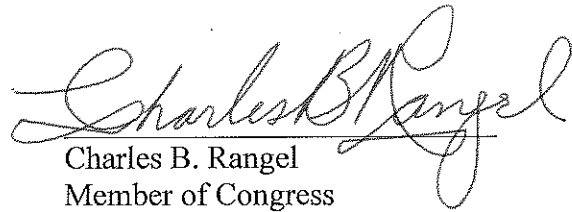
  
Jerrold Nadler  
Member of Congress

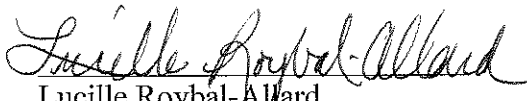
  
Richard M. Nolan  
Member of Congress

  
Eleanor Holmes Norton  
Member of Congress


  
Bill Pascrell, Jr.  
Member of Congress

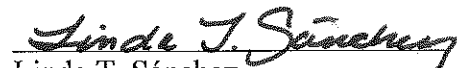
  
Mike Quigley  
Member of Congress

  
Charles B. Rangel  
Member of Congress


  
Lucille Roybal-Allard  
Member of Congress


  
Ed Royce  
Member of Congress

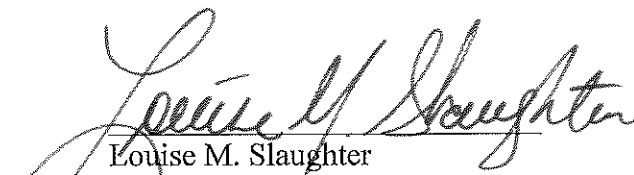
  
Dutch Ruppersberger  
Member of Congress

  
Linda T. Sánchez  
Member of Congress


  
Adam Schiff  
Member of Congress

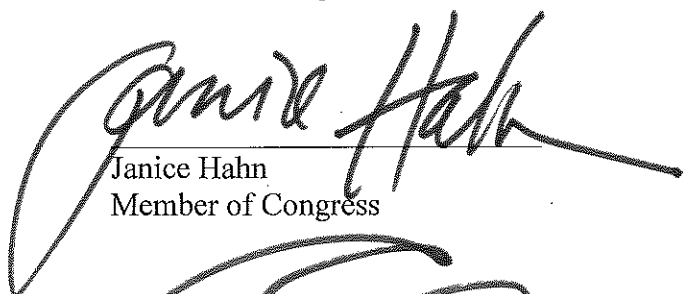
  
José E. Serrano  
Member of Congress

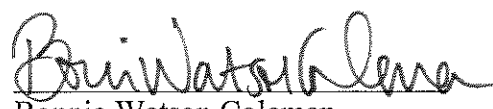
  
Albio Sires  
Member of Congress


  
Louise M. Slaughter  
Member of Congress

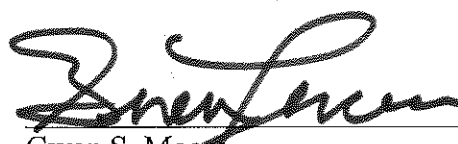
  
Roger Williams  
Member of Congress

  
Hakeem Jeffries  
Member of Congress

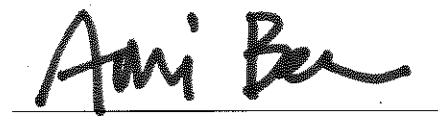
  
Janice Hahn  
Member of Congress

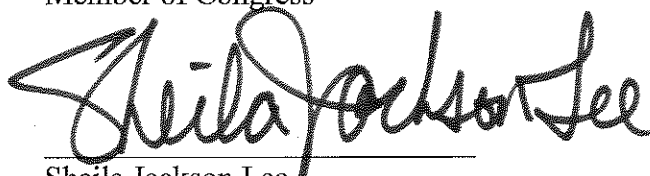
  
Bonnie Watson Coleman  
Member of Congress

  
Cedric L. Richmond  
Member of Congress

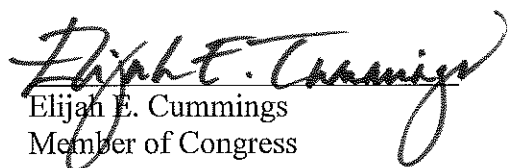
  
Gwen S. Moore  
Member of Congress

  
Lee Zeldin  
Member of Congress

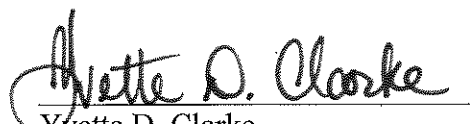
  
Ami Bera, M.D.  
Member of Congress

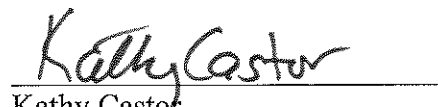
  
Sheila Jackson Lee  
Member of Congress

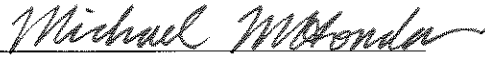
  
Lloyd Doggett  
Member of Congress

  
Elijah E. Cummings  
Member of Congress

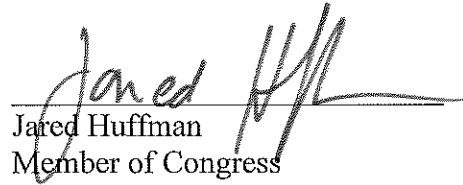
  
Chellie Pingree  
Member of Congress

  
Yvette D. Clarke  
Member of Congress

  
Kathy Castor  
Member of Congress



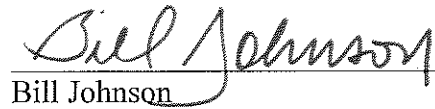
Mike Honda  
Member of Congress



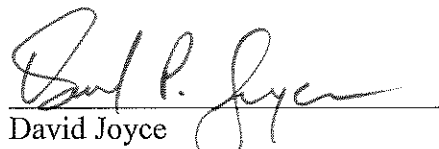
Jared Huffman  
Member of Congress



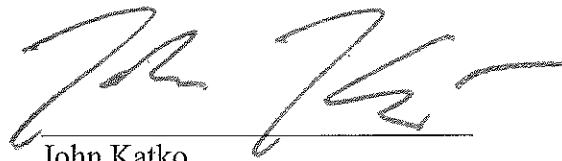
Lynn Jenkins  
Member of Congress



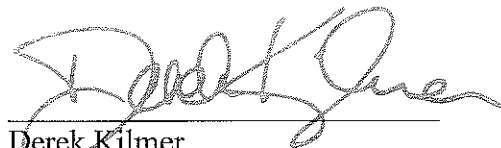
Bill Johnson  
Member of Congress



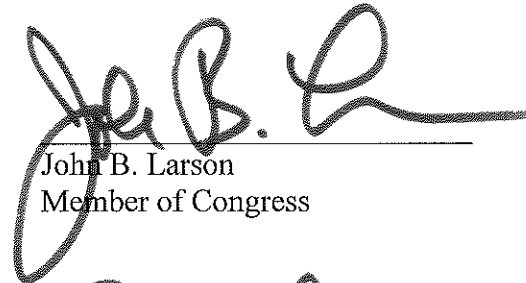
David Joyce  
Member of Congress



John Katko  
Member of Congress



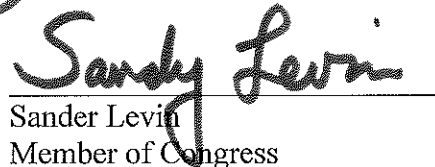
Derek Kilmer  
Member of Congress



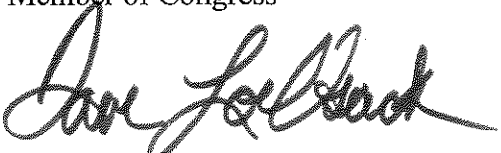
John B. Larson  
Member of Congress



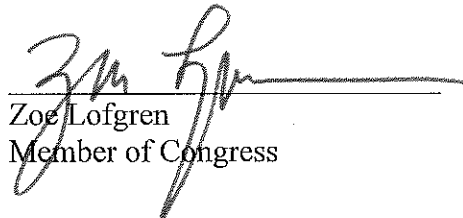
Brenda L. Lawrence  
Member of Congress



Sander Levin  
Member of Congress



Dave Loebsack  
Member of Congress



Zoe Lofgren  
Member of Congress

Sean Patrick Maloney  
Member of Congress

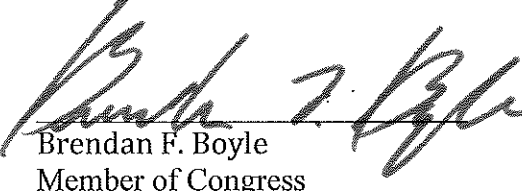


Martha McSally  
Member of Congress




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Don Young  
Member of Congress



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Brendan F. Boyle  
Member of Congress



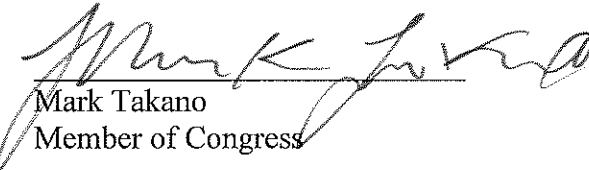
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Jim Himes  
Member of Congress



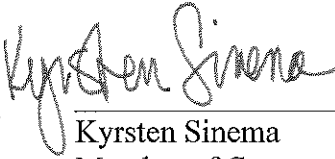
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Ron Kind  
Member of Congress



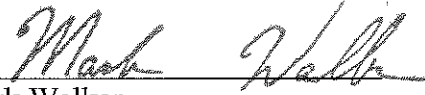
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Mark Takano  
Member of Congress



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Kyrsten Sinema  
Member of Congress



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Mark Walker  
Member of Congress