



Executive Summary of Comments from The Humane Society of the United States, the Humane Society Legislative Fund, and the Humane Society Veterinary Medical Association Regarding Proposed Rule, “Horse Protection: Licensing of Designated Qualified Persons and Other Amendments”

Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses are prized by some in the walking horse show industry for their ability to perform a distinctive high-stepping gait, referred to in the industry as the Big Lick. A cruel technique known as “soring,” which involves the use of chemical and mechanical injury to the horse’s front limbs, routinely is used to elicit the Big Lick from these horses. The Horse Protection Act, 15 U.S.C. § 1821, *et seq.* (“HPA”), was specifically enacted to prohibit this gruesome and inhumane practice; yet the abuse continues to dominate many of the most lucrative competitions in the industry.

In the decades since the HPA was passed, it has become clear that the current structure of the regulations implementing the HPA is inadequate to achieve the humane goals of the statute. For that reason, The Humane Society of the United States (“HSUS”) submitted a rulemaking petition on February 18, 2015 requesting that the United States Department of Agriculture, Animal and Plant Health Inspection Service (“APHIS”) promulgate several regulatory changes to eliminate soring. APHIS has now proposed regulatory changes that essentially would grant the principle requests contained in the HSUS petition by (1) overhauling the current industry-run inspection scheme, and (2) prohibiting the use of action devices and other methods of soring.

We commend APHIS for its proposal, and urge the agency to promulgate these important regulatory changes as soon as possible. As discussed in our comments, we are concerned with a few details of the proposal and urge APHIS to address these issues to the extent possible without delaying finalization of the rule. Our comments are broadly summarized as follows:

Proposed 9 C.F.R. § 11.2 - Prohibited actions, practices, devices, and substances.

Commenters eagerly support the proposal to prohibit action devices, performance packages, substances, and other soring and concealment techniques across the board on “any Tennessee Walking Horse, Racking Horse, or related breed that performs with an accentuated gait that raises concerns about soring.” At this time, we hope to see APHIS focus its enforcement of these prohibitions on the three specific breeds in which soring abuse is currently concentrated: Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses.

We suggest certain modifications to the agency’s proposal, specifically with regard to weighted shoes, hoof-packing materials, substances, and specific prohibitions as to all horses. Our suggestions, as discussed on pages 5-18 of our comments, are summarized as follows:

- The proposed ban on weighted shoes is insufficient because it allows the use of “a keg or similar conventional horseshoe” without limitation. It also does not address shoe width, which could impede proper inspection of the horse’s hooves. To provide adequate protection for the horses, we urge APHIS to provide in the final rule that (1) the exception for a keg or similar conventional horseshoe only applies to shoes weighing 16

ounces or less; and (2) shoes may not impede inspection, including the proper use of a hoof tester and examination of the sole.

- We urge APHIS to eliminate the exception for hoof packing materials on walking horses. The proposal to prohibit pads removes any valid purpose for using hoof packing materials.
- We recommend that the proposed ban on pads also encompass a ban on the use of any acrylic or other “false” soles. These items are often used to camouflage soring between the hoof and the acrylic sole.
- We urge APHIS to maintain current regulatory language as it prohibits specific devices, equipment, and practices on *any horse* at any horse show, horse exhibition, or horse sale or auction. These prohibitions have been and would continue to be important in preventing abuse of all horses.
- The ban on substances could effectively encompass certain therapeutic substances for which the HPA provides a limited allowance. We recommend that APHIS modify the final substance ban to provide a limited allowance for the use of truly therapeutic substances, and continue to maintain and utilize its list of defined prohibited foreign substances as guidance in enforcing the ban.

Proposed 9 C.F.R. § 11.6 - Training and licensing of Horse Protection Inspectors

We also enthusiastically support APHIS’s proposal to replace the industry’s self-regulated DQP inspection scheme in favor of a system wherein the agency licenses, trains, and oversees independent, third-party Horse Protection Inspectors, which will help ensure that inspectors are not plagued by conflicts of interest, that the agency has ready access to violations records, and that penalties and disqualifications are carried out and uniformly enforced. These changes would free up limited agency resources that are currently used to certify and regulate HIOs, including enforcing the regulations against delinquent HIOs. However, we recommend that APHIS take additional steps to fully ensure that the new program is effective, as discussed on pages 20-25 of our comments and summarized as follows:

- We urge APHIS to eliminate individuals with the following conflicts from the pool of HPis: (1) having ever received a letter of warning or been the subject of a request for a letter of warning for improper HPA inspections; (2) having a contractual or financial interest with show management, other than being appointed as an HPI; and (3) inspecting any horse who is entered, owned, trained, exhibited, or offered for sale by a person with whom the HPI has a familial or business connection.
- We urge APHIS to ensure a swift and effective transition from DQPs to HPis so there is not a period of time during which horses may not receive inspections. This may require (1) pushing back the proposed date on which DQPs’ licenses are revoked; and (2) implementing the final rule in phases, so that the prohibitions of Section 11.2 are effective immediately, to be followed in the near future by the DQP-to-HPI transition.



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U.S. Department of Agriculture, Animal and Plant Health Inspection Service

Re: Comments Regarding Proposed Rule, "Horse Protection; Licensing of Designated Qualified Persons and Other Amendments" from The Humane Society of the States, The Humane Society Legislative Fun, and the Humane Society Veterinary Medical Association

I. Introduction

The Humane Society of the United States (HSUS), the Humane Society Legislative Fund (HSLF), and the Humane Society Veterinary Medical Association (HSVMA) (together, the Humane Societies) submit these comments in support of the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service's (APHIS) proposed rule, "Horse Protection; Licensing of Designated Qualified Persons and Other Amendments."¹ The Humane Societies agree with APHIS that these proposed amendments are necessary to ensure efficient and effective enforcement of the Horse Protection Act (HPA), 15 U.S.C. § 1821, *et seq.*, and its implementing regulations, 9 C.F.R. Part 11.

HSUS is a non-profit organization devoted to the welfare and protection of all animals. As part of that mission, HSUS actively campaigns to end the abusive practice of soring and promote the humane treatment of walking horses.² Through various actions including public education, investigations, and cooperation with APHIS and law enforcement agencies, HSUS aims to eliminate the longstanding abuse of horses in the walking horse industry. HSUS asked its supporters to submit comments supporting the proposed rule. Over 56,000 supporters submitted comments directly to HSUS, which HSUS has submitted to APHIS.

¹ Horse Protection; Licensing of Designated Qualified Persons and Other Amendments, 81 Fed. Reg. 49,112 (July 26, 2016).

² The Humane Societies use the term "walking horses" to collectively refer to the three related breeds of horses that are the most frequently subjected to soring practices throughout the industry: Tennessee Walking Horses, Spotted Saddle Horses, and Racking Horses.

HSLF is a non-profit organization that works to ensure that all animals, including horses, have a voice throughout the halls of Congress and state legislatures. HSLF works to pass laws to address the suffering and abuse of animals at the state and federal levels, to educate the public about animal protection issues, and to support humane candidates for office. HSLF strongly advocates for horse welfare legislation, including through federal bans on horse slaughter and horse soring.

HSVMA is a non-profit organization comprised of veterinary professionals who want to engage in direct care programs for animals in need and educate the public and others in the profession about animal welfare issues. HSVMA protects and advocates for all animals while providing leadership and service opportunities that support a humane veterinary profession. HSVMA specifically fights to protect walking horses by advocating for federal legislation to upgrade penalties in the Horse Protection Act, ban the use of action devices and performance packages, and require more meaningful enforcement by APHIS to finally end the abusive practice of soring.

On February 18, 2015, HSUS submitted a rulemaking petition to APHIS requesting amendments to key HPA regulations to ensure that the inhumane practice of soring is no longer widespread within the walking horse industry.³ APHIS's proposed regulations would satisfy the key requests HSUS made in its Petition. In particular, HSUS requested that APHIS undertake the following:

1. Abolish the inspection scheme currently overseen by Horse Industry Organizations (HIOs), and the corresponding use of Designated Qualified Persons (DQPs), and replace it with an inspection program administered and regulated by the agency, which eliminates the conflicts of interest inherent in the current system;
2. Prohibit the use of all action devices, horseshoe "stacks," "performance packages," and other soring techniques on breeds of horses known to be subject to soring with this equipment – Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses – to achieve an exaggerated or Big Lick gait;
3. Establish a policy to impose extended disqualification periods, up to and including lifetime disqualification, for offenders with multiple HPA violations; and

³ See HSUS, Supplemental Petition for Rulemaking (Feb. 18, 2015) (attached hereto as Exhibit A) (hereinafter "HSUS Petition").

4. Establish a policy to impose extended disqualification periods for horses found to be sore.⁴

The agency's proposed amendments to the HPA regulations essentially grant the first two requests contained in the HSUS Petition by overhauling the current industry-run inspection scheme and prohibiting the use of action devices and other methods of soring. These regulatory changes will make a meaningful difference in preventing the rampant soring abuse of walking horses. Therefore, with a few exceptions as to fine details that would strengthen the proposal, the Humane Societies enthusiastically support the implementation of the proposed regulations as soon as possible, to more effectively protect horses who have been suffering at the hands of abusive Big Lick "trainers" for too long.⁵

Below the Humane Societies provide its comments to specific sections of the proposed regulations, including some discussion of the agency's authority to implement the proposal. As discussed in these comments, Congress has granted APHIS sufficient rulemaking authority under the HPA to undertake each of these necessary, proposed amendments. Indeed, the HPA was passed to provide necessary protection to horses, and after decades of suffering ongoing abuse under the current, ineffective framework, that is exactly the effect that we expect these proposed changes would have.⁶

⁴ *Id.* at 4.

⁵ As described below, the Humane Societies are concerned with some portions of the proposed amendments that could allow soring activity to persist, such as through the permitted use of weighted keg or similar conventional shoes and the elimination of specific prohibitions as to all horse breeds that are not related to walking horses. We also recommend limited amendments that would better align the proposed regulations with the HPA. In addition, we indicate throughout these comments limited portions of the proposed rule that could be strengthened by providing additional rationales for the final rule in the administrative record. *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

⁶ Those opposed to these regulatory changes have argued that the final rule would be in contravention of Congressional intent behind the HPA. However, the legislative history of the Act clearly confirms that Congress intended the HPA to protect horses and end the cruel and inhumane practice of soring. *See, e.g.*, 115 Cong. Rec. 39,896 (daily ed. Dec. 19, 1969); Proposed Bill to Protect Interstate and Foreign Commerce by Prohibiting the Movement in Such Commerce of Horses Which Are "Sored," And for Other Purposes: Hearings Before the Subcomm. On Energy, Natural Resources, and the Environment of the S. Comm. On Commerce, 91st Cong. 91-27 (1969); 116 Cong. Rec. 34,098 (daily ed. Sept. 29, 1970); A Bill to Protect Interstate and Foreign Commerce by Prohibiting the Movement in Such Commerce of Horses Which Are "Sored," and for Other Purposes: Hearing before the Subcomm. On Pub. Health & Welfare, of the H. Comm. On Interstate and Foreign Commerce, 91st Cong. 91-72 (1970); 119 Cong. Rec. 21764 (June 7, 1973); House Report on Horse Protection Act of 1974 (Oct. 17, 1974); House Report No. 94-1174 on Horse Protection Act Amendments of 1976 (May 15, 1976); 122 Cong. Rec. 20,160 (June 24, 1976).

II. Section-by-Section Analysis⁷

a. Proposed 9 C.F.R. § 11.1 – Definitions

The Humane Societies generally support the proposed changes to the definitions section of the HPA regulations, subject to a few suggested improvements. APHIS proposes principally to (1) remove definitions for DQPs, HIOs, and lubricants; (2) insert definitions for custodian, substance, and Horse Protection Inspector; and (3) amend the definition of sore.

The removal of the definition of HIOs and DQPs in their entirety is logical in light of the proposed overhaul of the current conflict-ridden industry inspection scheme, which replaces DQPs with independent, third-party Horse Protection Inspectors (HPIs) and eliminates any role under the regulations for HIOs. Further, as addressed in the HSUS Petition, because the use of action devices was the only reason an exhibitor might apply lubricants on a horse's pastern, the eradication of action devices also removes any reason to allow (and define) lubricants in the HPA regulations.⁸

APHIS proposes that a new definition be added for the term “substance,” to broadly encompass “any agent applied to a horse’s limbs” before, during, or after “a horse is shown, exhibited, or offered for sale, or otherwise present on the grounds at any horse show, horse exhibition, or horse sale or auction.” There are many types of agents that are applied to a horse’s limbs, with myriad, nefarious purposes, such as irritating, blistering, numbing, masking, and counter-irritating agents.⁹ Accordingly, the agency should clearly indicate in the preamble to the final rule that it intends to be as inclusive as possible in its interpretation of the term “agents,” so that it encompasses any agent that is used by a custodian to sore a horse or mask that the horse is sore.

⁷ These comments do not substantially discuss the proposed amendments to 9 C.F.R. §§ 11.4, 11.7 - 11.9, and 11.13. Sections 11.7 and 11.8 are reserved for future use, and the Humane Societies are supportive of the proposed changes to sections 11.4, 11.9, and 11.13, which are largely a result of the proposed reorganization of the HPA regulations.

⁸ See Exh. A, *supra* note 3, at 33 n.128 (“Without any allowances for the use of action devices, the use of lubricants on walking horses would also serve no legitimate purpose. Lubricants are typically used for the purpose of reducing friction between the device and a walking horse’s pastern. Therefore, as set forth in its proposed regulations, Petitioner requests that the Agency remove both the definition of “lubricant” from 9 C.F.R. 11.1, and the allowance for the use of lubricants in 9 C.F.R. § 11.2(c).”).

⁹ See APHIS, *Horse Protection Program: Definitions of Foreign Substances Found*, at https://www.aphis.usda.gov/animal_welfare/hp/downloads/Foreign_Substance_Definitions.pdf (last visited Oct. 24, 2016); see generally, Billy Go Boy, *Former Big Lick Trainer Carl Bledsoe Mock Prepares Gen's Ice Glimmer For Inspection*, YouTube, Aug. 13, 2015, <https://www.youtube.com/watch?v=qhF4utC-M1w> (discussing process of applying various foreign substances to walking horse’s pasterns in preparation for inspection, including sulfur and motor oil).

The definition of “sore,” however, even with the proposed changes, remains insufficient to encompass all soring activity. The proposed amendment would encompass “[a]ny other substance or device” used on a horse to cause suffering, pain, distress, inflammation, or lameness, with an exception for therapeutic purposes. While this change would broaden the factors that render a horse sore, by limiting soring methods to “substance or device,” the Humane Societies are concerned that the definition could leave out certain soring practices. Therefore, we recommend that as part of the final rule, APHIS include “methods” in the definition of “sore,” or at the very least, include shoeing and hoof trimming practices.¹⁰ For example, a common soring method that walking horse trainers utilize is “pressure shoeing,” which involves cutting or grinding the hooves excessively close to the quick (often until they bleed). This causes extreme sensitivity and unbearable pain every time the horse places weight on its forelegs.¹¹ Because pressure shoeing can be done without the use of devices or substances, and because it is likely that the soring faction of the industry could invent a new method of soring to circumvent these amendments, we urge APHIS to amend the definition of sore to encompass these practices.

APHIS unambiguously has authority to promulgate these proposed definitions. The HPA extends to APHIS the general authority “to issue such rules and regulations as [it] deems necessary to carry out the provisions of [the HPA].”¹² The ability to define terms is an essential prerequisite to carrying out regulations that effectuate the HPA. APHIS’s addition of definitions for “custodian,” “substance,” and “Horse Protection Inspector” are crucial components of APHIS’s Horse Protection Program under the HPA. Similarly, APHIS’s removal of defined terms it previously created is also proper under § 1828, as APHIS may delete terms it no longer deems appropriate or useful. Therefore, APHIS’s new, revised and deleted definitions in § 11.1 are thus proper exercises of its authority under the HPA.

b. Proposed 9 C.F.R. § 11.2 - Prohibited Actions, Practices, Devices, and Substances

APHIS proposes prohibiting all action devices, pads, substances, and certain other soring methods “with respect to any Tennessee Walking Horse, Racking Horse, or related breed that performs with an accentuated gait that raises concerns about soring at any horse show, horse exhibition, horse sale, or horse auction.”¹³ The Humane Societies strongly support the proposed

¹⁰ Exh. A, *supra* note 3, at 33 n.130.

¹¹ *Id.* at 21-22.

¹² 15 U.S.C. § 1828.

¹³ *See* 81 Fed. Reg. 49,131.

regulatory changes, with suggestions for limited amendments to the portions of the final rule that pertain to weighted shoes, hoof-packing materials, non-walking horse breeds, and substances.

The Humane Societies commend APHIS for proposing the broad ban in § 11.2(a) that encompasses action devices, pads, hoof bands, wedges, and other soring paraphernalia and methods, which is very similar to what HSUS requested in its Petition. The Big Lick faction may argue that there are certain therapeutic uses for many of the items prohibited in proposed Section 11.2(a). However, walking horse trainers and exhibitors have an established history of using these devices for the sole purpose of assisting in various brutal soring techniques. Because there is no history of any legitimate therapeutic use associated with these devices, equipment, and practices when they are used to elicit the exaggerated or Big Lick gait, a therapeutic use exception is neither required nor necessary. We also support the proposed, broad ban on substances in § 11.2(b), which would no longer allow the use of lubricants. However, as detailed in the discussion of substances below, *infra* pages 10-12, the Humane Societies urge APHIS to provide in the final rule an express exception for the use of therapeutic substances (an amendment that would better align the final rule with the requirements of the HPA).¹⁴

As provided in the HSUS Petition, and explained further below, APHIS's proposed broad prohibitions against action devices, pads, substances, and other soring implements – with our suggested clarifications – are essential to truly target soring practices. Such prohibitions are strongly supported by scientific evidence showing that the illicit use of these items can cause unnecessary pain and suffering to horses regardless of size, weight, or type.¹⁵ There is no doubt that action devices and other soring techniques are still used to abuse horses because the current regulations permit their use. Indeed, according to walking horse trainer Barney Davis, who pleaded guilty in November 2011 to various violations of the Horse Protection Act, “the only way you are going to get the soring stopped is to get the pads and the chain. That’s the only way. . . . They’ve got to have the pads and the chain to do the soring.”¹⁶ And as agency-commissioned researchers have observed, “[i]n reality, the ‘Big Lick’ should be called the ‘Sore

¹⁴ See 15 U.S.C. § 1821(3).

¹⁵ See, e.g., Exh. A, *supra* note 3, at 18-24, 31-33.

¹⁶ See Video: Tennessee Walking Horse Abuse, at 5:47-5:55 (HSUS 2012), *available at* http://www.humanesociety.org/news/press_releases/2012/08/exclusive_barney_davis_video_082812.html (interview by Keith Dane with Barney Davis, former Tennessee Walking Horse trainer, in Sewanee, Tenn.).

Lick’ because it is performed by a horse which, by all diagnostic criteria, is unsound and unfit to show.’’¹⁷

Action Devices. The Humane Societies support the prohibition on action devices. The current HPA regulations are inadequate to protect horses because they allow certain action devices such as beads, bangles, rollers, and chains that weigh no more than six ounces.

However, the use of these devices can cause damage to horses. Indeed, equine lameness expert Dr. Tracy Turner, who APHIS commissioned to provide research and guidance on soring, has stated that currently sanctioned devices are commonly used in conjunction with other soring techniques, such as chemical burns, to exacerbate existing soring-related pain when rubbing or banging against inflamed areas on the horse’s leg or pastern.¹⁸

Regarding chains specifically, the “Auburn Study” from the late 1970s and early 1980s provides solid evidence that chains weighing six ounces can cause hair loss.¹⁹ Another reliable study found that the use of only chains weighing six ounces makes no discernable difference in the horse’s gait on its own.²⁰ Because these devices make no difference in the horse’s gait on their own, exhibitors whose horses perform an exaggerated or Big Lick gait with currently approved action devices in the show ring are very likely using foreign substances, heavier chains, or other less conspicuous soring tools and techniques on the horse during “training,” which

¹⁷ H.A. Nelson, D.V.M., & D.L. Osheim, B.A., APHIS, *Soring in Tennessee Walking Horses: Detection by Thermography* 186 (1975) (hereinafter “Ames Study”), in Exh. A, *supra* note 3, at 185-203. The Ames Study determined, based on trials with two different sets of horses equipped with various action devices and treated with soring chemicals, that the use of stacked pads and long hooves contributes to pain that induces an exaggerated or Big Lick gait, *id.*, that horses with preexisting protrusions, such as old scars, tend to develop inflammation and pain before other horses with normal tissue, *id.* at 194, and that the use of heavy chains did not always produce visible external lesions, but that there was visible inflammation, indicative of pain, through thermographic imaging, *id.* at 195.

¹⁸ Video: Use of Imaging to Aid the Enforcement of the Horse Protection Act, at 37:56-39:10, 45:33-46:09, 48:14-48:46 (Tracy Turner, DVM, MS, 2014), at http://www.aphis.usda.gov/animal_welfare/hp/downloads/video/2014-01-17%20USDA%20Horse%20Protection%20Technology%20%20Public%20Webinar.wmv (hereinafter “Tracy Turner Presentation”) (discussing that pads create pain and inflammation without the use of chemicals; hoof bands can be tightened around sensitive areas to cause pain; and chains are widely referred to as “pain enhancers” for horses).

¹⁹ See Letter from Dr. Ram C. Purohit, Associate Professor, Auburn University, to the United States Department of Agriculture (summarizing research from September 1978 to December 1982 on Thermography in Diagnosis of Inflammatory Processes in Horses in Response to Various Chemical and Physical Factors) (hereinafter “Auburn Study”), in Exh. A, *supra* note 3, at 213.

²⁰ Dr. Molly C. Nicodemus, *Gait Analysis: Opening Doors to Understanding the Gaited Horse* 23 (2000), available at <http://www.soundhorseconference.com/pdf/Nicodemus.pdf> (“Use of heavy weights (10 oz or 283 g) pastern chain weights significantly increased stride duration at the walk, but lower weights or pastern straps did not.”)

increases sensitivity, causing pain and forcing the horse to react with a higher step.²¹ Then, having suffered through the pain of “training” with sore limbs and heavy devices, the horses perform their conditioned response in the show ring – a high-stepping and exaggerated Big Lick gait – even with the use of currently permitted, lighter-weight action devices, or, alternatively, perform the gait in reaction to the pain present in the show ring after the numbing effect of topical anesthetics (applied to ensure a horse will pass inspection) wears off. There is therefore no legitimate purpose in allowing these action devices, as they are integral to the soring process.

The HPA explicitly grants APHIS the authority to ban all devices that raise concerns about soring. Section 1824(7) prohibits commercial activities involving “any horse which is wearing or bearing any equipment, device, paraphernalia, or substance *which the Secretary by regulation under Section 1828 of this title prohibits* to prevent the soring of horses.”²² Thus, the plain language of Section 1824(7), in conjunction with Section 1828’s general rulemaking authority, grants APHIS broad authority to prohibit “any equipment, device, paraphernalia, or substances” to prevent soring.

In addition to this explicit authority, Section 1828 grants APHIS general authority to implement and enforce the HPA. Section 1828 provides that APHIS may issue “rules and regulations as [the agency] deems necessary to carry out the provisions” of the HPA.²³ This general grant reinforces APHIS’s authority to ban all action devices to carry out the HPA’s prohibition on all commercial activities involving a sore horse.

Pads. Current regulations specifically allow the use of pads, which are used in various ways to assist in brutal soring techniques, such as pressure shoeing.²⁴ Tall stacks of pads are often attached to walking horses’ front hooves, causing the horses to stand at an unnatural and chronically painful angle, like “a woman wearing high heels . . . if you nail the heel to her feet

²¹ Notably, chains are routinely sold in sets that contain chains increasing in weight, with the currently sanctioned, six-ounce chains as the lightest option. *See* HSUS, *Scientific Justification for a Ban on Action Devices*, in Exh. A, *supra* note 3, at 222-224. “[C]hains much heavier than 6 ounces and multiple sets of chains are regularly used in training, and then lighter chains are substituted in the show ring to trigger the conditioned response to the heavier chains. Chain sets are readily available in local tack stores already made up in a variety of weights, and it is routine to see chains of various weights hanging from “chain carts” at horse shows.” *Id.* at 223; *see also* HSUS, Investigative Report: The Humane Society of the United States Investigates Cruel Training of Tennessee Walking Horses (2012), *available at* http://www.humanesociety.org/assets/pdfs/horse/mcconnell_twh_invest_report.pdf (describing behind-the-scenes soring tactics in walking horse trainer Jackie McConnell’s barn, including the use of caustic chemicals and heavy chains).

²² 15 U.S.C. § 1824(7) (emphasis added).

²³ 15 U.S.C. § 1828.

²⁴ *See* Exh. A, *supra* note 3, at 21-23.

then refuse to allow her to sit or lie down for more than a few minutes of time . . . for years . . . while she is forced to go running four or five days a week. . . carrying twenty percent of her body weight on her back.”²⁵ Research shows that the elevated angle caused by stacked pads has a “significant association between . . . certain lesions or injuries” and other types of lameness;²⁶ can cause an imbalance in the hoof and rotation of the coffin bone;²⁷ poses a significant risk of ripping off part or all of a horse’s hoof;²⁸ and can result in laminitis, which causes severe pain and potentially requires euthanasia.²⁹ Pads – even a single pad – can also be used to hide evidence of soring methods, such as the insertion of hard or sharp objects between the pad and the intentionally sensitized hoof. Accordingly, the proposed prohibition on pads is extremely important.

The Humane Societies recognize that the HPA allows for the “therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.”³⁰ However, there is no history of walking horse trainers and exhibitors using pads for therapeutic purposes; rather they have an established record of using tall stacks of pads to assist in various brutal soring techniques. Because there is no evidence or precedent of other, non-soring uses of pads that could justify an exception for walking horses, there is no reason to allow for an exception as to the therapeutic use of pads in proposed Section

²⁵ Letter from Pamela Reband, MD, Member, TWHBEA Board of Directors and former Vice President, former Member, National Walking Horse Association Board of Directors and recipient of NWH Phoenix Award, and former President, Kentucky Stallion Owners Association to Representative Ed Whitfield (Dec. 22, 2013), in Exh. A, *supra* note 3, at 219.

²⁶ Christa Lesté-Lasserre, *Hoof Angles’ Impact on Lameness Examined*, The Horse, Mar. 6, 2013, available at <http://www.thehorse.com/articles/31468/hoof-angles-impact-on-lameness-examined>.

²⁷ See Niel Valk, DVM, DACVS, Remarks at the Sound Horse Conference 5-6 (Mar. 29, 2014) (transcript available at <http://www.soundhorseconference.com/2014/Neal%20Valk.doc>) (discussing connection between stacked pads and rotation of the coffin bone, producing laminitis); see also Tracy Turner Presentation, *supra* note 18, at 31:30-32:10 (the Tennessee Walking Horse has the most imbalanced hooves and feet compared to other breeds who have never been shod with pads or show shoes).

²⁸ The HorseFund, *Horse Soring Frequently Asked Questions*, <http://www.horsefund.org/horse-soring-faq.php> (last visited Oct. 24, 2016) (“It is also dangerous if a horse wearing stacks tears off a shoe, as the stack will come off and the band may rip into the hoof and tear off a good part of the hoof wall.”); see also Alexandra Kleinkopf, Taking Action For Animals, *Creature Feature: Sore Trick Pony* 3 (July 2008), available at http://www.animalsheltering.org/resources/magazine/jul_aug_2008/creature_feature_sore_trick_pony.pdf (the use of stacks causes a horse’s “joints to bend at unnatural angles, [] resulting in pain, lameness, and disfiguration. Heavy weights are added to these stacks, sometimes causing part of the hoof to tear off”).

²⁹ See Nathaniel A White II DVM MS, DACVS, *Equine Laminitis* 6, 11 (Sept. 2005), available at https://www.vetmed.vt.edu/emc/welcome/bios/white/equine_laminitis.pdf (discussing the connection between laminitis and changes in the coffin bone); see also U.S. Patent No. 5,891,472 (filed Nov. 19, 1996) (describing the background of equine laminitis and the need for intervention treatment, “[i]f the animal does not recover, after the onset of lameness, the laminae deteriorate, the animal’s feet are extremely painful, and the coffin bone becomes displaced”).

³⁰ See 15 U.S.C. §1821(3).

11.2(a)(2). Pads have never served a legitimate, therapeutic use for walking horses while showing in a Big Lick exhibition; thus, a therapeutic use exception specifically for pads would have no legitimate purpose, and is therefore unnecessary.

The Humane Societies also highlight the importance of prohibiting the use of any acrylic or other “false” soles on walking horses. Acrylic soles have a hoof-like appearance and are used to obscure the true sole of a horse’s hoof. Similar to single pads, the Big Lick faction has used acrylic soles to camouflage soring evidence that exists between the hoof and the acrylic sole. In light of the proposed prohibition on all pads, it is very likely that “trainers” will increasingly turn to acrylic or other “false” soles to conceal soring methods. Therefore, it is vital that APHIS also prohibit in the final rule the use of acrylic or other “false” soles on walking horses. Alternatively, if not incorporated into the final rule, APHIS should vigilantly monitor any use of acrylic or false soles on walking horses, and require that HPIs remove the object and inspect the actual sole of any walking horse equipped with an acrylic or other “false” sole.

The same grants of authority noted above, allowing APHIS to ban action devices on walking horses, extend similar authority for the agency to ban all pads and acrylic or false soles on walking horses. When used on walking horses to elicit an exaggerated or Big Lick gait, pads have no therapeutic use or protective purpose; they are simply another type of “equipment, device, [or] paraphernalia” that the agency is authorized to “prohibit[] to prevent the soring of horses.”³¹

Substances. The Humane Societies commend APHIS for its proposal to remove from its substances provision an exception for the use of lubricants on the limbs of walking horses, as requested in the HSUS Petition.³² The only reason lubricants are used on walking horses is for the purpose of reducing friction between an action device and the pastern. Without any allowances for the use of action devices, the allowance of lubricants on walking horses would serve no legitimate purpose.

We also support APHIS’s broad ban on all substances in proposed Section 11.2(b). However, we note that the proposal could conceivably encompass certain therapeutic substances for which the HPA provides a limited allowance.³³ Therefore, the Humane Societies recommend

³¹ 15 U.S.C. § 1824(7).

³² See Exh. A, *supra* note 3, at 33 n. 128.

³³ See 15 U.S.C. § 1821(3).

that APHIS modify the final substance ban to incorporate an express exception for the use of therapeutic substances:

(b) Substances. ~~Any~~ All substances are prohibited on the limbs of any Tennessee Walking Horse, Racking Horse, or related breed horse that performs with an accentuated gait while being shown, exhibited, or offered for sale, or otherwise present on the grounds at, any horse show, horse exhibition, or horse sale or auction, except those substances that are used in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given. Guidance on this prohibition will be made available on the APHIS Horse Protection Program Web site.³⁴

Under the final rule, we suggest that the agency continue its current enforcement practices with regard to substances, including reliance on the list of defined, prohibited foreign substances as guidance for the agency and inspectors, as well as the general public, which the agency already utilizes and maintains.³⁵ We recommend that APHIS clarify this in the preamble to the final rule as follows:

Today's final regulation expands the agency's previous regulatory ban on substances by removing an exception for the use of lubricants "on the limbs of any Tennessee Walking Horse, Racking Horse, or related breed horse that performs with an accentuated gait while being shown, exhibited, or offered for sale, or otherwise present on the grounds at, any horse show, horse exhibition, or horse sale or auction." We have also clarified in the final rule that the prohibition will not apply to substances used in connection with a legitimate, therapeutic treatment of a horse, consistent with the HPA. *See* 15 U.S.C. § 1821(3) (Definitions). As provided in the regulation, APHIS will provide guidance on the prohibition. This guidance will take the form of the "Definitions of Foreign Substances," which we already maintain, update, and utilize. *See* https://www.aphis.usda.gov/animal_welfare/hp/downloads/Foreign_Substance_Definitions.pdf. Our enforcement of Section 11.2(b) will continue to focus on the substances that are specifically provided on this list.

³⁴ The underlined text indicates language that we suggest incorporating into the final rule, and the strikethrough text indicates language that we suggest omitting.

³⁵ *See* APHIS, *Horse Protection Program: Definitions of Foreign Substances Found*, *supra* note 9. If the final rule includes the proposal to remove the exception for lubricants, APHIS would need to update this document to also list and define lubricants as foreign substances for which it will be testing and prohibiting.

The Humane Societies suggest reliance on the foreign substances list that APHIS already maintains, updates, and utilizes because (1) it is already utilized and maintained to indicate substances that are currently known to cause or conceal soring; (2) it would require no additional agency resources to implement; and (3) it has been consistently used by APHIS for effective and efficient detection of prohibited substances on walking horses. In creating and updating the list of substances that are used improperly to sore or mask soring under current regulations, APHIS has closely scrutinized each substance, including whether it might have any therapeutic or protective purposes. Accordingly, to date APHIS has only listed those substances that have an established history of being used to sore a horse or conceal evidence of soring activity, and has been careful not to list substances with truly therapeutic or protective purposes. And in the future, APHIS would continue to similarly scrutinize each substance as it updates the list with any new, prohibited substances (such as in the case of adding lubricants pursuant to the proposed amendment to Section 11.2(b)).

The proposal to ban substances including lubricants is clearly within APHIS's authority under the HPA. The same section that allows APHIS to ban action devices and pads also provides the authority for banning substances. Section 1824(7) specifically includes the term "substance," which means that APHIS can ban any substance "to prevent the soring of horses." With our recommended reliance on the agency's guidance provided in the foreign substances list, APHIS would only be banning non-therapeutic substances as they are used to sore horses. This is unquestionably permissible under the plain language of the HPA.³⁶

Weighted Shoes. In its September announcement extending the comment period an additional 30 days, APHIS also proposed to prohibit "[t]he use of any weight on horses, except a keg or similar conventional horseshoe."³⁷ This proposal aligns with the prohibitions imposed by the United States Equestrian Federation, which currently bans the use of weighted shoes on Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses regardless of age.³⁸ The

³⁶ In addition to this explicit authority, APHIS also has the general grant of authority to implement and enforce the HPA under Section 1828, as discussed in depth above.

³⁷ Horse Protection; Licensing of Designated Qualified Persons and Other Amendments, 81 Fed. Reg. 65,307 (Sept. 22, 2016).

³⁸ See Press Release, APHIS, *USDA Proposes Changes to End the Inhumane Practice of Soring* (Aug. 26, 2016), available at https://www.aphis.usda.gov/aphis/newsroom/news/SA_By_Date/newsroom-2016/SA-07/hpa-changes ("APHIS would ban the use of all action devices, pads, and foreign substances at horse shows, exhibitions, sales, and auctions. This would align the HPA regulations with existing equestrian standards set forth by the U.S. Equestrian Federation."); see also United States Equestrian Federation Rulebook, Subchapter 8F (2016), available

Humane Societies support this broad prohibition on weighted shoes, but hope the agency will go farther to ensure that the unrestricted exception for a keg or conventional shoe does not create a loophole for soring activity.

To provide complete protection for the horses, APHIS's proposal must eliminate the use of all harmful, weighted shoes on horses. As proposed in September, the ban would still allow the use of "a keg or similar conventional horseshoe."³⁹ However, even the use of a keg or conventional shoe, if heavy enough, would cause pain and suffering for a horse. We urge the agency to incorporate into the final rule that (1) the exception for a keg or similar conventional horseshoe only applies to shoes weighing 16 ounces or less;⁴⁰ and (2) sanctioned shoes must not impede inspection techniques, including the proper use of a hoof tester and examination of the sole.⁴¹

Heavier, weighted shoes are often used to "encourage more action," to cause "the horse to work harder (for more locomotion)," and thus, to elicit an exaggerated or Big Lick gait by causing a hyper-extension of the foot while walking.⁴² In fact, trainers have been known to attach "eight-pound tungsten shoes [] to cause a gaited horse to adopt an exaggerated gait for the show ring."⁴³ A recent study determined that adding these weights causes excessive stretching of the muscles and tendons, which leads to a much higher risk of injury to the horse.⁴⁴ As explained in the HSUS Petition, these harms occur regardless of the horse's age.

Parts of the proposal come close to preventing harmful shoeing practices, but fail to go far enough. The proposed ban on the use of hoof bands – which are traditionally used to hold the weighted shoes onto the horse's hoof – is insufficient to eliminate the use of all weighted shoes

at <https://www.usef.org/documents/ruleBook/2016/GeneralRules/GR08-ConductofCompetitions.pdf> ("The use of a weighted shoe . . . [on] a Tennessee Walking Horse, a Racking Horse, or Spotted Saddle Horse . . . is prohibited.").

³⁹ 81 Fed. Reg. 65,307.

⁴⁰ APHIS currently prohibits the use of shoes heavier than 16 ounces on yearling horses. See 9 C.F.R. § 11.2(b)(9) (prohibiting the use of "any horseshoe on yearling horses that weighs more than 16 ounces"). The Humane Societies suggest that APHIS maintain the 16-ounce standard in the final rule, and apply it to all walking horses regardless of age.

⁴¹ We urge the agency to consider that it would need to require the removal of all shoes during inspection if it opts to maintain the insufficient prohibitions on weighted shoes as proposed. Removal of all shoes would allow for the application of a hoof tester during inspection and prevent the Big Lick faction from attaching extremely heavy shoes in an inhumane fashion, such that they cannot be easily removed by a farrier.

⁴² Exh. A, *supra* note 3, at 24; see also Pat Tearney, *Shoeing the High-Stepping Tennessee Walking Horse*, AMERICAN FARRIERS JOURNAL (July 1, 2008), available at <https://www.americanfarriers.com/articles/994-shoeing-the-high-stepping-tennessee-walking-horse#sthash.2t6Kmw0S.dpuf>.

⁴³ 81 Fed. Reg. 49,120 n.14 (summarizing statements made by former walking horse trainer Barney Davis).

⁴⁴ See Wickler, Steven J., et al., *The Energetic and Kinematic Consequences of Weighting the Distal Limb*, 36(8) EQUINE VETERINARY J., 727-777, 776 (Dec. 2004).

because a creative industry will invent alternative methods of attaching the weighted shoes.⁴⁵ The proposed language – prohibiting “shoeing or trimming a horse’s hoof in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving” – could in theory encompass a prohibition on weighted shoes. However, to remove all questions about whether such a prohibition is encompassed in the language, and to reduce additional burdens on the inspectors, show management, and APHIS to detect whether a weighted shoe is being used to sore a horse, the Humane Societies suggest a strict prohibition on any shoes weighing more than 16 ounces. Although APHIS proposes to authorize the use of hoof testers on horses during inspection, many of the weighted shoes currently in use are so wide that it is impossible to apply a hoof tester to (or examine) the sole of the horse’s hoof. Therefore, any allowance of weighted shoes, including keg or similar conventional shoes weighing more than 16 ounces, would preclude the effectiveness of such inspections for many walking horses.

Again, APHIS has ample authority to ban weighted shoes under Sections 1824(7) and 1828 of the HPA. As discussed above, Section 1824(7) prohibits commercial activities involving a horse that is “wearing or bearing *any* equipment, device, paraphernalia or substance” [emphasis added] that is banned by the secretary under Section 1828. Weighted shoes easily fall within this Section as a type of equipment, device, or paraphernalia. Additionally, Section 1828 provides APHIS the general authority to issue “rules and regulations as [the agency] deems necessary to carry out the provisions” of the HPA. Banning weighted shoes clearly carries out the provisions of the HPA because (as described above) these shoes are used for soring, and banning them would protect horses from such abuse.

Hoof packing materials. APHIS’s proposed prohibitions maintain an unnecessary exception for the use of “acceptable hoof packing, which include pine tar, oakum, live rubber, sponge rubber, silicone, commercial hoof packing or other substances used to maintain adequate frog pressure or sole consistency.”⁴⁶ Hoof packing is used on a horse when a pad is used, with

⁴⁵ See Concerning the Prevent All Soring Act: Hearing on H.R. 1518 before the Subcomm. on Commerce, Manufacturing, and Trade, 113th Cong., at 10 (2013) (testimony of W. Ron DeHaven, DVM, MBA, American Veterinary Medical Association), *available at* <https://www.avma.org/Advocacy/National/Documents/AVMATestimonyPASTActHearing.pdf> (last visited Oct. 24, 2015) (“Creativity knows no bounds when it comes to causing pain and discomfort to these horses – their owners or trainers will do virtually anything to achieve the ‘big lick.’ . . . [U]nethical trainers and owners have developed creative ways to avoid detection during the inspection process.”).

⁴⁶ See 81 Fed. Reg. 49,131.

the purpose of filling gaps between the hoof and the pad, which aids in the redistribution of load. Without the use of a pad to hold it in place, traditional hoof packing would simply fall out of the horse's hoof. Indeed, the HPA regulations, which currently allow the use of pads, only reference hoof packing in the context of pads, by prohibiting “[a]ny object or material inserted *between the pad and the hoof* other than acceptable hoof packing . . .”⁴⁷

Therefore, similar to the theory behind the agency's logical decision to prohibit the use of lubricants in light of the ban on action devices, there is no need to permit hoof packing materials of any kind given the proposed ban on pads. If any hoof packing is allowed, it could encourage the pro-soring industry to invent new methods of adhering to the hoof a substance that it passes off as “hoof packing,” with the aim of obscuring intentionally inflicted pain in (or damage to) the sole or inserting foreign objects intended to cause pain. Accordingly, APHIS should ban all hoof packing materials without exception in the final rule. We suggest amending the language in proposed Section 11.2(a)(5) as follows:

~~Any object or material inserted into the hoof other than acceptable hoof packing, which includes pine tar, oakum, live rubber, sponge rubber, silicone, commercial hoof packing or other substances used to maintain adequate frog pressure or sole consistency, is prohibited, including Acrylic acrylic and other hardening substances, are prohibited as hoof packing.~~

APHIS has unfettered authority to broadly ban all hoof packing materials under the HPA. As discussed above, the plain language of Section 1824(7) grants APHIS authority to prohibit “any equipment, device, paraphernalia, or substances . . . to prevent soring.” Once again, hoof packing is simply another type of “equipment, device, [or] paraphernalia” that is used to cause or conceal soring of walking horses to elicit an exaggerated or Big Lick gait. Therefore, the HPA provides APHIS the explicit authority to remove the exception for any packing materials.

APHIS also has the Section 1828 general grant of authority to issue “rules and regulations as [the agency] deems necessary to carry out the provisions” of the HPA. Banning all packing materials would carry out the provisions of the HPA by ensuring that the Big Lick faction could not find creative new ways to harm horses by exploiting loopholes. Thus, Section 1828 augments APHIS's clear statutory authority to ban all packing materials.

⁴⁷ 9 C.F.R. § 11.2(b)(13) (emphasis added).

Specific prohibitions as to all horses. The Humane Societies are also concerned that the proposed rule would remove the current regulatory language that specifically bans or restricts certain “devices, equipment, or practices on any horse at any horse show, horse exhibition, or horse sale or auction.”⁴⁸ This subsection unequivocally provides a list of items that are not allowed on any horse, including the size, weight, and placement of those items, such as “[s]ingle or double rocker-bars on the bottom surface of horseshoes which extend more than 1 ½ inches back from the point of the toe,” and “[m]etal hoof bands, such as used to anchor or strengthen pads and shoes, placed less than ½ inch below the coronet band.”⁴⁹ These prohibitions and restrictions were clearly adopted to ensure the soundness and welfare of all horses.⁵⁰ In its place, APHIS proposes an overarching prohibition that “[n]o device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore.”

If it would not impede swift promulgation of the final rule, we recommend maintaining the current regulatory language of 9 C.F.R. § 11.2(b) that applies the above prohibitions to all horses. In the alternative, APHIS should indicate in the proposed rule that it will provide clear guidance in the near future to the horse industry as to the types of devices, equipment, and practices that would fall under the proposed, overarching prohibition as to all horses in all horse shows, exhibitions, sales, or auctions.

The Humane Societies believe retention of the regulatory language of 9 C.F.R. § 11.2(b) would be beneficial and urge APHIS to restore it in the final rule. While the new general prohibition certainly should in our view prohibit the same devices as 9 C.F.R. § 11.2(b), its general nature may create ambiguity and disputes as to what devices are prohibited. Maintaining 9 C.F.R. § 11.2(b) should substantially reduce those ambiguities and disputes and provide clear guidance as to some of the devices that are still banned under APHIS’s regulations. Retaining the language of 9 C.F.R. § 11.2(b), which applies to all horse breeds, may also provide useful protection against – and a deterrent to – soring practices that may spread beyond the walking horse breeds that historically have been subject to such abuse and are the focus of the proposed ban in Section 11.2(a).

⁴⁸ 9 C.F.R. 11.2(b).

⁴⁹ *Id.* § 11.2(b)(14), (15).

⁵⁰ *Id.*

Prohibitions as to “related breeds.” The Humane Societies appreciate the agency’s well-intentioned proposal to broadly prohibit all action devices, pads, wedges, hoof bands, and other soring implements on a range of walking horse breeds where soring is a concern. It is well-established that soring abuse is largely prevalent in three specific horse breeds: Tennessee Walking Horses and Racking Horses, which the agency has already listed in its proposal, as well as Spotted Saddle Horses. Notorious Tennessee Walking Horse “trainers” – who have been known to sore the breed – include Jackie McConnell, Larry Joe Wheelon, and ThorSport Farms.⁵¹ Spotted Saddle Horse trainer and Spotted Saddle Horse World Grand Championship winner Barney Davis has spoken openly about the ongoing soring abuse that the Spotted Saddle Horse endures.⁵² Moreover, the agency’s 2016 inspection reports confirm that events for the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds have received inspection more often than events for other breeds.⁵³ In all likelihood, this is because those breeds have higher soring rates than other breeds.

Concern has been raised in the horse industry at large, however, that the phrase “related breed that performs with an accentuated gait” could apply the prohibitions proposed in Section 11.2(a) to certain trotting breeds that exhibit accentuated gaits but have not been known to be subjected to soring abuse. These trotting breeds include but are not limited to, American Saddlebred and Morgan horses. However, APHIS has proposed that the prohibitions would apply only to the accentuated-gait breeds “*that raise[] concerns about soring.*”⁵⁴ Because soring is not prevalent in these breeds, we do not believe the likelihood of this happening is very substantial.⁵⁵

⁵¹ See, e.g., HSUS, Investigative Report (2012), available at http://www.humanesociety.org/assets/pdfs/horse/mcconnell_twh_invest_report.pdf; Press Release, HSUS, *Indictments Made in Maryville, Tenn., Horse Soring Investigation*, Dec. 4, 2013, available at http://www.humanesociety.org/news/press_releases/2013/12/tn-horse-soring-indictments-120413.html; Press Release, HSUS, *Detailed Undercover Investigation Reveals Tennessee Walking Horse Abuse at Top Training Barn* (August 25, 2015) available at http://www.humanesociety.org/news/press_releases/2015/08/tn-walking-horse-investigation-082515.html.

⁵² See, e.g., Interview by Keith Dane, HSUS, with Barney Davis, former Tennessee Walking Horse trainer, in Sewanee, Tenn., at 5:47-5:55 (June 28, 2012), available at http://www.humanesociety.org/news/press_releases/2012/08/exclusive_barney_davis_video_082812.html.

⁵³ See, e.g., HSUS, Entries at 2016 Horse Shows Attended by VMOs, attached hereto as Exhibit B (compiled from APHIS’s Horse Protection Act 2016 Show Activity Reports, available at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_hpa/activity-and-show-reports).

⁵⁴ 81 Fed. Reg. 49,131 (emphasis added).

⁵⁵ Soring is practiced on the front pasterns of walking horses so that their gait is exaggerated on the front feet. This elicits the Big Lick, in which the front feet are raised high into the air, putting the bulk of the horse’s weight on its hind legs. Because trotting breeds are prized for their balanced, ground consuming gait, soring is neither practical nor prevalent.

Nonetheless, we suggest that APHIS clarify in its preamble to the final rule that soring is not currently a concern for these trotting horse breeds, and that (given the history and current concentration of soring abuse) it intends to focus its enforcement on the three walking horse breeds in which soring is rampant; that is, the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse.⁵⁶ Accordingly, we suggest including language similar to the following in the preamble to the final rule:

While today's final regulations have a general prohibition against soring of any horse, the regulations include specific prohibitions for any "Tennessee Walking Horse, Racking Horse, or related breed that performs with an accentuated gait that raises concerns about soring." In light of the history and current concentration of soring, at this time we intend to focus our HPA enforcement efforts on three specific breeds: Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses. Focusing our enforcement on the breeds who are known to be victims of soring abuse, as substantiated by decades of studies and show records, effectuates our congressional mandate under the HPA to prevent the soring of horses.

c. 9 C.F.R. § 11.3 – Scar Rule

APHIS does not propose any amendments to the Scar Rule. The Humane Societies commend the agency for resisting the unsubstantiated demands from the pro-soring community to end reliance on the Scar Rule as a method of HPA inspection and enforcement.

However, we note that the proposed ban on the use of action devices and other soring methods and equipment impacts how the Scar Rule should be enforced moving forward. As written, the Scar Rule provides an exception for bilateral areas of uniformly thickened epithelial tissue on the posterior of the pastern that is typically caused by currently permissible action devices.⁵⁷ Because the agency has proposed prohibiting the use of all action devices on walking horses, there is no longer a need to provide such an exception in the Scar Rule.⁵⁸ Accordingly, as requested in the HSUS Petition, we urge the agency to amend the Scar Rule, if not in the final rule then in the near future, to require that the entire surface of the pastern be free of bilateral granulomas, as well as other bilateral evidence of inflammation or other abuse indicative of

⁵⁶ The Humane Societies would not oppose changing the "related breeds" language in the final rule itself to specify that only these three breeds are subject to the prohibitions, as long as it does not impede swift promulgation of the final rule.

⁵⁷ See 9 C.F.R. § 11.3(b).

⁵⁸ See Exh. A, *supra* note 3, at 33 n.129.

soring including, but not limited to, excessive loss of hair for horses who are two years old or younger by the time these regulatory changes go into effect.⁵⁹

Critics of the Scar Rule claim that it unlawfully involves an inspector's subjective analysis of the pastern through touch and sight. These arguments fail because any bilateral tissue change on a walking horse's pasterns as described in the scar rule is indicative of soring abuse. Simply put, there is no room for error. However, the proposed regulations go one step further to prevent errors in judgment by requiring inspectors to have greater expertise and more extensive training, and providing all inspectors with the same training and inspection protocols across-the-board.

d. 9 C.F.R. § 11.5 – Inspection and Detention of Horses; Responsible Parties

The Humane Societies support the proposed amendments to Section 11.5. This section currently covers access to premises and records, but as part of its reorganization of the HPA regulations, APHIS has proposed that this section cover certain inspection protocols, including which horses will be prohibited from showing based on their conduct during inspection.

We especially support the agency's proposal at Section 11.12(b)(5) to prohibit horses from showing who are not presented in a manner to allow their proper inspection, or who are unruly or fractious.⁶⁰ This proposal would target widely practiced stewarding abuse, in which trainers use certain devices to inflict other cruelties on the horse in an effort to prevent any outward reactions when inspectors place pressure on sensitive hoof and pastern areas. To this end, trainers try to distract the horse from the pain in its legs by affixing objects such as metal alligator clips and zip ties to a horse's tongue, gums, anus, and vagina just prior to inspection. The HPA regulations currently prohibit the use of "whips, cigarette smoke, or other actions or

⁵⁹ Similar to what was suggested in the HSUS Petition, APHIS should amend the Scar Rule such that subsection (b) reads: "For horses born after January 1, 2016, the entire surface of the pastern pasterns (flexor surface), 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 areas of uniformly thickened epithelial tissue if such areas are free of uniformly thickened epithelial tissue, proliferating granuloma tissue, irritation, moisture, edema, or other evidence of inflammation." See Exh. A, *supra* note 3, at 47. APHIS has statutory authority to expand the scope of the Scar Rule under the same HPA sections that permitted the agency to adopt the original rule. See 15 U.S.C. §§ 1821(3) (defining "sore" as delineated types of abuse "by a person to any limb of a horse:), 1823 (requiring disqualification of sore horses and the prohibition of the exhibition of a sore horse), 1824(2) (prohibiting showing any sore horse in any horse show or exhibition), 1828 (granting general authority to carry out the other provisions of the HPA). The Scar Rule clearly fulfills the intent of these sections, and does not go beyond any limitations on APHIS's authority.

⁶⁰ 81 Fed. Reg. 49,136.

paraphernalia [] used to distract a horse during examination.”⁶¹ By going one step farther to prohibit horses that are not presented in a manner to allow their proper inspection from showing, the proposed rule will make clear the consequences of the use of distraction devices, and provide a greater deterrent to trainers who might otherwise attempt abusive stewarding practices.

The HPA provides APHIS with authority to effectuate the inspections envisioned in the draft regulation. Section 1823(e) unambiguously provides APHIS with the power to inspect horses, which also implies the authority to set criteria for those inspections:

[f]or purposes of enforcement of this chapter (including any regulation promulgated under this chapter) the Secretary, or any representative of the Secretary duly designated by the Secretary, may inspect any horse show, horse exhibition, or horse sale or auction or any horse at any such show, exhibition, sale, or auction.

The HPA further reinforces the power to set inspection criteria by providing in in Section 1823(c) that inspectors may not “conduct inspections in a manner *other than that prescribed for inspections by the Secretary*.” [emphasis added]. The proposed regulations unquestionably fit within these grants of authority.

e. 9 C.F.R. § 11.6 – Training and Licensing of HPIs

The Humane Societies fully support the proposed changes to the training and licensing of inspectors. Section 11.6 currently covers inspection space and facility requirements, but as part of its reorganization of the HPA regulations, APHIS proposes to instead cover the training and licensing of the new HPIs in this section.⁶² APHIS proposes to train and license HPIs, which show management will then be able to appoint for their events. This system will replace the current failed system whereby HIOs train and oversee DQPs. This section essentially grants the HSUS Petition request on this point, which requested that APHIS replace the current industry-run and conflict-laden inspection scheme with one that is comprised of independent, third-party inspectors who are licensed, trained, and overseen by the agency, and appointed by show management.

As described in the HSUS Petition, the current system of industry-managed inspection is woefully inadequate, as APHIS has left the bulk of HPA inspections to industry organizations and DQPs, most of which have little incentive to detect soring activity and are riddled with

⁶¹ 9 C.F.R. § 11.21(a)(4).

⁶² APHIS has not proposed to remove the inspection and facility requirements currently in force; rather, it would relocate them to proposed Section 11.5.

conflicts of interest.⁶³ The impact of these conflicts of interest for DQPs includes the failure to conduct horse inspections in accordance with the law and applicable regulations, such as not observing horses in motion; not inspecting first-place horses; using improper inspection techniques, including failing to palpate horses' pasterns and not weighing action devices; giving exhibitors "freebies," or warnings, instead of issuing tickets for violations, or otherwise turning a blind eye to violations; and issuing tickets not to the exhibitors responsible for the abuse, but to almost anyone else, including friends, family, and even stable hands working for the exhibitors.⁶⁴ Moreover, there is a notable disparity between inspections conducted by APHIS versus those conducted by HIO-licensed DQPs, in which agency inspectors caught the vast majority of soring violations.⁶⁵ Thus, it is clear that HIOs and their trained and licensed DQP inspectors are integral to the ongoing prevalence of soring.

The Fifth Circuit's holding in *Contender Farms, L.L.P. v. U.S. Dep't of Agric.*, 779 F.3d 258 (5th Cir. 2015), bolsters the need to eliminate the failed HIO/DQP system. By holding that APHIS could not require private HIOs to enforce HPA penalties, *Contender Farms* essentially gutted both HPA enforcement at the majority of walking horse events – which the agency does not have the resources to attend – as well as the fundamental relevance of HIOs.⁶⁶ Therefore, the most effective solution to ensure proper inspections and enforcement is to revamp the private inspection system and remove HIOs from the equation, as APHIS has proposed.

The Humane Societies enthusiastically support the proposed abolishment of the HIO/DQP inspection scheme and its replacement with a new system that is managed and administered by APHIS rather than the industry. Implementation of the proposed plan would free up limited agency resources spent certifying and regulating HIOs, including enforcement of the

⁶³ See Exh. A, *supra* note 3, at 12-18. Indeed, USDA's Office of Inspector General has called attention to this troubling situation in an audit report from 2010, stating that DQPs had a "clear conflict of interest," and because of those conflicts, "they did not always inspect horses according to the requirements of the Horse Protection Act." USDA Office of Inspector Gen., Audit Rep. 33601-2-KC, Animal and Plant Health Inspection Service Administration of the Horse Protection Program and the Slaughter Horse Transport Program 2, 10-11 (2010), available at <http://www.usda.gov/oig/webdocs/33601-02-KC.pdf> (hereinafter "USDA OIG Audit").

⁶⁴ See USDA OIG Audit at 2, 10-14.

⁶⁵ See Exh. A, *supra* note 3, at 17-18 (summarizing overwhelming majority of soring violations that are detected by APHIS inspectors, not DQP inspectors). At the 2015 Celebration, APHIS inspectors identified 226 soring violations, while industry inspectors found only 35. See USDA Horse Protection Activity Report for 2015 Celebration at https://www.aphis.usda.gov/animal_welfare/downloads/hp/show_reports/twh_report.pdf. Results from the 2016 Celebration showed a similar, stark contrast. APHIS inspectors found 161 violations, whereas industry inspectors detected only found 29. See USDA Horse Protection Activity Report for 2016 Celebration, available at https://www.aphis.usda.gov/animal_welfare/downloads/hp/show_reports/2016/20160825-0903-78th-Annual-TWH-National-Celebration-HP-Activity-Report.pdf.

⁶⁶ *Contender Farms*, 779 F.3d at 274.

regulations against delinquent HIOs. APHIS has spent an inordinate amount of its limited resources providing DQP training for multiple HIOs around the country; overseeing the conduct of DQPs at shows, exhibitions, sales, and auctions; communicating with HIOs about DQP performance issues; auditing HIOs at least annually; attempting to receive records from HIOs; reviewing HIO applications and annual rule book submissions for certification; attempting to get HIOs to adopt consistent rules and penalties, and then monitoring their compliance; seeking decertification of non-compliant HIOs; and defending against multiple legal challenges by HIOs who refuse to comply with the HPA and its regulations.

None of these activities would be required under the proposed inspection system. Because the new system removes HIOs from the equation, APHIS will be free to redirect its time, energy, and limited funding toward more effective soring detection and HPA enforcement, including licensing and training a cadre of reliable and trustworthy third-party inspectors and monitoring their inspection efforts; maintaining a comprehensive and up-to-date database of HPA violations; and carrying out civil and administrative proceedings against HPA violators.

Moreover, in addition to freeing up limited agency resources, the new inspection scheme would be implemented at *no new cost to the taxpayer*. Inspectors will not be APHIS employees, but will continue to be appointed and paid by show management, as is the current practice.⁶⁷ And it is possible that show management will even save money under this proposed system, because they will no longer be forced to incur extra fees that are imposed by HIOs.

Removing the industry from the equation, and instead placing APHIS in charge of licensing, training, and overseeing inspectors, will also help eliminate the conflicts present in the current system that have allowed soring abuse to persist. APHIS has proposed in 9 C.F.R. § 11.6(b) that it will refuse to license an inspector applicant if: (1) “that person has been convicted or found to have violated . . . or has been assessed any fine or civil penalty, or has been the subject of a disqualification order” for violating the HPA or the Regulations; (2) “that person, any member of that person’s immediate family, or that person’s employer participates in the showing of horses or acts as a judge or farrier, or is an agent of show management involving any Tennessee Walking Horses, Racking Horses, or related breeds;” (3) “that person has been disqualified by the Secretary of Agriculture from making detection, diagnosis, or inspection;” or

⁶⁷ The incentive will remain for show management to appoint inspectors to avoid personal liability in the event that soring is found on their premises. *See* 15 U.S.C. § 1824(3)-(6).

(4) “the honesty, professional integrity, reputation, practices, and reliability of the person do not support a conclusion that the applicant is fit to carry out the duties of a HPI.” We are pleased to see APHIS is proposing to capture a broad range of potential conflicts of interest that an inspector might face.⁶⁸

However, as provided in the HSUS Petition, there are additional conflicts of interest that should be eliminated from the proposed inspection system, which APHIS should address in the final rule.⁶⁹ These additional conflicts can include, but are not limited to: (1) having ever received a letter of warning or been the subject of a request for the issuance of a letter of warning for performing inspections that do not conform with APHIS standards; (2) having any contractual or financial interest *of any kind* with show management, other than being appointed as an HPI; and (3) inspecting any horse who is entered, owned, trained, exhibited, or offered for sale by a person with whom the inspector shares a familial or business connection. The Humane Societies recommend that APHIS strengthen the licensing requirements in the final rule by adding these additional conflicts of interest, as requested in the HSUS Petition.

We also recommend that APHIS explicitly reserve its discretion to determine whether (and when) to license an applicant, regardless of whether the listed criteria are met. APHIS is the only entity with expertise in whether an individual is qualified to provide effective HPA inspection services, and there are many facets – some of which are unpredictable – that would go into making that determination. Accordingly, we suggest that the agency make clear in the final rule that it may, in its discretion, refuse to license an applicant on grounds not specifically provided in the regulations.

The Humane Societies hope the agency will ensure a swift transition away from DQPs and HIOs and toward the proposed HPI inspection system. To ensure that the transition is smooth and effectively protects horses, we note the need to ensure that there is not a time in

⁶⁸ The proposed conflicts of interest provision comports with various standards set forth in USDA’s Scientific Integrity Policy Handbook, which aims “to ensure the validity and objectivity of science and technical information derived and used to guide USDA policies Scientific or technological information must be generated by [individuals] who demonstrate they do not have a conflict of interest” See U.S. Dep’t of Agric., *USDA Scientific Integrity Policy Handbook* (Guidance for Implementation of DR 1074-001), at 10 (July 10, 2013) (updated March 8, 2016). However, the handbook simply provides guidance as to thresholds for standards (such as eliminating certain financial and familial relationship), and simply cannot detect or predict every conceivable conflict in all situations. Given the breadth of potential conflicts and connections throughout the walking horse industry, the Humane Societies strongly recommend that APHIS include stricter conflict of interest prohibitions in the final rule.

⁶⁹ See Exh. A, *supra* note 3, at 29; see also HSUS, *Petitioner’s Proposed Amendments to 9 C.F.R. Part 11*, in Exh. A, at 85 (suggested regulatory language, pursuant to requested inspection scheme overhaul, regarding inspector conflicts of interest).

which inspectors are unavailable for show management to appoint. In other words, as soon as current DQPs' licenses are revoked, the agency must be sure to have a cadre of reliable, independent HPis licensed and ready for appointment so that horses may continue to receive inspections without interruption. Section 11.6(f) of the proposed rule would revoke DQP licenses upon the effective date of the final rule. The Humane Societies recommend instead that APHIS push back the date on which DQPs' licenses are revoked in the final rule, so that the agency has sufficient time to license and train its HPI taskforce.⁷⁰

The proposed HPI system is well within APHIS's authority under the HPA, which provides that:

*The Secretary shall prescribe by regulation requirements for the appointment by the management of any horse show, horse exhibition, or horse sale or auction of persons qualified to detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing this chapter. Such requirements shall prohibit the appointment of persons who, after notice and opportunity for a hearing, have been disqualified by the Secretary to make such detection, diagnosis, or inspection. Appointment of a person in accordance with the requirements prescribed under this subsection shall not be construed as authorizing such person to conduct inspections in a manner other than that prescribed for inspections by the Secretary . . .*⁷¹

Indeed, Congress intended that the agency's resulting regulations might include:

provisions prescribing the minimum qualifications and certification of non-professional persons having the responsibility for conducting inspection as well as for the accreditation requirements of professionals having inspection responsibilities. In addition, these regulations may prescribe the conditions to assure the independence of the judgment of persons hired to conduct inspections in carrying out their responsibilities. The regulations may also include requirements that management have the responsibility to provide such inspectors with information and instruction to assist them in carrying out their responsibilities. Such regulations may require these inspectors to establish and maintain

⁷⁰ It seems most efficient to allow for a phased implementation of the final rule, so that the prohibitions contained in Section 11.2 are effective immediately, to be followed in the near future by the DQP-to-HPI transition. This implementation plan would allow for swift protections against action devices and harmful substances for walking horses while the agency works toward putting HPis on the ground for inspection services.

⁷¹ 15 U.S.C. § 1823(c) (emphasis added).

records of horses that they have disqualified or excused and to provide such records and other information to the Secretary.⁷²

This authorization “plainly allows the USDA [] to impose those requirements that relate to the certification and inspection process for individual inspectors.”⁷³ Thus, APHIS holds broad authority to regulate the certification and training of persons qualified to detect soring at any horse show, horse exhibition or horse sale or auction. It is pursuant to this broad grant of authority that APHIS created the current inspection scheme managed by HIOs and staffed by DQPs. This same broad grant permits APHIS to replace the existing scheme with a different, more effective system involving independent, third-party inspectors who are licensed, trained, and overseen by the agency, and appointed by show management.⁷⁴

The Act’s unequivocal “prohibit[ion on] the appointment of persons who, after notice and opportunity for a hearing, have been disqualified by the Secretary to make such detection, diagnosis, or inspection” necessarily implies that the agency has the power to establish criteria pursuant to which inspectors are disqualified.⁷⁵ The proposed rule establishes that APHIS may revoke an HPI’s license in the event that such HPI fails to follow the regulations set forth in the proposed rule, and that such denial shall be subject to appeal, with the applicant receiving notice and a full opportunity for a hearing. Given that such a program is well within the confines of the broad delegation of power under §1823(c), APHIS has ample authority to promulgate this section of the proposed rule.

Similarly, the text of the HPA explicitly states that inspections must be conducted in a manner as prescribed by the Secretary.⁷⁶ Such substantive references to the power to regulate inspectors and inspections necessarily implies that APHIS has the power to train, license, and oversee inspectors, as well as mandate inspection protocols and conduct to which HPIs must

⁷² H.R. Rep. 94-1174, at 8 (1976), *reprinted in* 1976 U.S.C.C.A.N. 1696, 1702-03.

⁷³ *Contender Farms*, 779 F.3d at 272. *Contender Farms* also found that “§ 1823(c) permits APHIS to establish duties for inspectors, such duties must be related to their physical inspections of horses.” *Id.* at 273 n.7.

⁷⁴ *Contender Farms* confirms that APHIS is authorized under the HPA to create a private inspection scheme, which the agency has done by proposing that the third-party, independent HPIs will be available for appointment by show management. *See id.* at 274; *see also id.* at 273 (“The HPA authorizes the USDA to develop a private inspection system . . .”). *Cf. id.* at 272 (“[Regulations] promulgated pursuant to § 1823(c) must relate to whether ‘persons’ are ‘qualified’ to inspect horses for evidence of soring.”).

⁷⁵ 15 U.S.C. § 1823(c).

⁷⁶ *Id.* (“Appointment of a person in accordance with the requirements prescribed under this subsection shall not be construed as authorizing such person to conduct inspections in a manner other than that prescribed for inspections by the Secretary (or the Secretary's representative) under subsection (e) of this section.”).

adhere. These regulations are necessary to ensure that HPIs are qualified to detect and diagnose sore horses and that they are conducting their inspections properly.

f. 9 C.F.R. § 11.10 - Management Responsibilities; Operation of Horse Shows, Horse Exhibitions, and Horse Sales and Auctions

The Humane Societies support APHIS's proposal to create a regulation that combines both new and pre-existing requirements as to show management's responsibilities and operations. This proposed section includes important amendments, such as advance notification of upcoming events, exclusion of disqualified individuals, inspection requirements for managers who do not appoint an inspector, and record-keeping, reporting, and access.

Specifically, we are pleased that APHIS has proposed to require show management to (1) notify the agency of an upcoming event no later than 30 days prior to the event, including information on any HPIs who the show plans to appoint; and (2) post at all events a list of individuals who are disqualified from the competition due to prior soring misconduct. While these are commendable efforts to improve the flow of information between the industry and the agency, we believe that APHIS should go farther to increase information flow to the public at large. To that end, APHIS should include in the final rule that it will publish on its website the event notifications received from show management and the lists of disqualified individuals as soon as practicable after receiving and compiling the information.⁷⁷

The Humane Societies also applaud the agency's efforts to enhance HPA enforcement by expanding the inspection requirements for show managers who choose not to appoint inspectors, such that show management must inspect horses who place first, second, or third in in any Tennessee Walking Horse, Racking Horse, or related breed class or event. As noted in the discussion of Proposed Section 11.12 below – and as indicated in the agency's announcement of the proposed rule, but not included in its proposed amendments – APHIS should also apply this expanded requirement to HPI services in the final rule.⁷⁸

APHIS may expand inspection requirements under the same clear-cut authority that authorizes it to establish them. Further, Section 1823(a) of the HPA clearly contemplates

⁷⁷ APHIS's authority to implement these amendments is inherent from its authority to regulate the appointment and disqualification of inspectors, as well as the manner of inspections. *See* 15 U.S.C. § 1823(c). These steps would keep the agency abreast of all inspection activities and provide for more effective HPA enforcement.

⁷⁸ *See* 81 Fed. Reg. 49,125 (discussing agency's intent to require both HPIs and show managers who do not appoint HPIs to inspect horses who place first, second, and third in an accentuated gait class or event).

inspections at *all* horse shows, exhibitions, sales, or auctions, including those where managers choose not to appoint inspectors:

The management of any horse show or horse exhibition shall disqualify *any* horse from being shown or exhibited (1) which is sore or (2) if the management has been notified by a person appointed in accordance with regulations under subsection (c) of this section or by the Secretary that the horse is sore. [emphasis added]

The HPA clearly mandates that management disqualify sore horses at *any* event, which inherently requires managers to either appoint an inspector to detect sore horses, or make those detections themselves.⁷⁹ Establishing a protocol for inspections for shows at which inspectors are not appointed is simply another example of APHIS’s broad purview to prescribe the “manner of inspections” under Section 1823(c).

APHIS also has the general authority under Section 1828 “to issue such rules and regulations as [the Secretary] deems necessary to carry out the provisions of [the HPA].” As discussed above, the HPA was enacted to protect horses from soring, and all of the amendments in proposed Section 11.10 serve to prevent soring by strengthening the inspection requirements for the detection of sore horses. Therefore, Section 1828 reinforces APHIS’s Section 1823 authority to amend Section 11.10 as proposed.

g. 9 C.F.R. § 11.11 - Management Responsibilities; Records and Reporting

As part of the agency’s reorganization of the HPA regulations, APHIS has proposed placing all recordkeeping and reporting requirements in a new regulation. Many of these seem to be largely the same as current requirements contained in 9 C.F.R. §§ 11.22, 11.23, and 11.24. However, APHIS has also proposed extending the timeframes by which show management must report records to APHIS, and for which show management must maintain records.

We are fully supportive of the proposal to extend show management’s responsibility to maintain records, from a mere 90 days after a show’s conclusion to at least six years. As APHIS explained in its announcement of the proposed rule, APHIS’s HPA investigations often take

⁷⁹ Other HPA sections also contemplate that inspections must occur at events where management does not appoint an inspector. *See, e.g.*, 15 U.S.C. § 1824(3) (prohibiting the “failure by the management of any horse show or horse exhibition, which does not appoint and retain [an inspector] . . . to disqualify from being shown or exhibited any horse which is sore.”); *id* § 1824(4) (prohibiting the “failure by the management of any horse sale or auction, which does not appoint and retain [an inspector] . . . to prohibit the sale, offering for sale, or auction of any horse which is sore.”).

much longer than 90 days to conclude, and thus, lengthening the recordkeeping timeframe will significantly assist its enforcement efforts.⁸⁰ Moreover, the six-year timeframe is no longer than necessary, as it is only one year longer than the current five-year statute of limitations for HPA enforcement proceedings.⁸¹ These increased record-keeping requirements easily fall within the HPA's grant of authority to APHIS:

The management of a horse show, horse exhibition, or horse sale or auction shall establish and maintain such records, make such reports, and provide such information *as the Secretary may by regulation reasonably require for the purposes of implementing this chapter or to determine compliance with this chapter*.⁸²

h. 9 C.F.R. § 11.12 Inspection Procedures for HPIs

As part of the agency's proposed reorganization of the HPA regulations, APHIS is moving all inspection requirements for HPIs into a single section, including which horses must receive inspection, the time and place where inspection may occur, and the procedures that HPIs must follow. The Humane Societies largely support these new provisions and commends APHIS for proposing inspection requirements that are similar in strength to those currently in force under 9 C.F.R. § 11.21, if not stronger.

APHIS has also proposed that during inspection, HPIs may (1) inspect and remove any materials wrapped around the limbs of a horse to determine whether any prohibited foreign substance is present; (2) require that horseshoes be removed by a farrier; and (3) use hoof testers on all horses. As addressed in the discussion of Proposed Section 11.2 above, APHIS should ensure in the final rule that inspectors and farriers are able to properly carry out these important inspection techniques by prohibiting on walking horses the use of any shoe that would prevent the proper application of a hoof tester or examination of the horse's sole.

APHIS also proposes to require inspection for all horses performing with an accentuated gait who place first in their class. We recommend that APHIS expand this requirement so that HPIs are also required to inspect horses placing second and third, to make this consistent with the requirement for show management choosing not to appoint an inspector.⁸³ This omission

⁸⁰ See 81 Fed. Reg. 49,125-26.

⁸¹ See 18 U.S.C. § 3282(a) (imposing five year statute of limitation on federal crimes).

⁸² 15 U.S.C. § 1823(d) (emphasis added).

⁸³ APHIS proposes that show management must inspect any horse placing first, second, or third in each Tennessee Walking Horse, Racking Horse, or related breed class or event. See 81 Fed. Reg. 49,134-35 (to be codified at 9 C.F.R. 11.10(b)(1)).

seems inadvertent on the agency's part, as APHIS indicated in its announcement of the proposed rule that *both* show management and HPIs should inspect horses placing first, second, or third place.⁸⁴ Therefore, to fulfill its stated intentions, and to bring proposed inspection requirements for HPIs in line with those of show management, APHIS should require in the final rule that HPIs also inspect horses who place second and third.

Unfortunately, APHIS has proposed to weaken the authority of HPIs when off duty, which the Humane Societies oppose. APHIS has removed key language that currently allows a DQP to inspect a horse "if present at other shows."⁸⁵ Not only does this remove significant authority that should belong to HPIs, but also removes an important aspect of horse protection which allows licensed inspectors to ensure compliance with the HPA wherever violations could occur. Indeed, first responders and public safety officers are often encouraged to provide assistance when off duty if it would further their roles as public servants.⁸⁶ Similarly, HPIs should be authorized to curtail soring violations at events, even when off duty, in furtherance of their duties to protect horses under the HPA. Accordingly, we urge APHIS to maintain the current regulatory language in the final rule that would extend this important authority to HPIs when off duty.

As discussed above, the HPA explicitly gives APHIS the authority to regulate the disqualification of sore horses; appointment and conduct of inspectors; methods of inspection; and the elimination of soring devices, equipment, paraphernalia, practices, and substances. Section 1823(c) of the HPA prohibits inspectors from "conduct[ing] inspections *in a manner other than that prescribed for inspections by the Secretary* (or the Secretary's representative) under subsection (e) of this section." Subsection (e) provides the Secretary may:

inspect any horse show, horse exhibition, or horse sale or auction
or any horse at any such show, exhibition, sale, or auction. Such an

⁸⁴ See *id.* at 49,125 ("[A]ny horse placing first, second, or third, and any other horses indicated by a HPI or APHIS representative in each Tennessee Walking Horse, Racking Horse, or related breed class or event at any horse show or exhibition, will have to be inspected after being shown or exhibited to determine if such horses are compliant with the Act or regulations. We are proposing this change to improve compliance with the Horse Protection regulations.").

⁸⁵ Compare 9 C.F.R. 11.20(b)(2) ("If present at other shows, [the DQP] shall examine any horse which he determines should be examined for compliance with the Act and regulations.") with 81 Fed. Reg. 49,136 (to be codified at 9 C.F.R. 11.12(a)).

⁸⁶ See, e.g., DECHERT & SAVE LIFE FOUNDATION, GOOD SAMARITAN LAWS, A COMPARATIVE STUDY OF LAWS THAT PROTECT FIRST RESPONDERS WHO ASSIST ACCIDENT VICTIMS (2014), available at <http://www.trust.org/contentAsset/raw-data/7be34cce-ea0d-4c90-8b39-53427acf4c43/file> (describing duties imposed by state laws on first responders to act in emergency situations, and any protections afforded to them in those situations).

inspection may only be made upon presenting appropriate credentials. Each such inspection shall be commenced and completed with reasonable promptness and shall be conducted within reasonable limits and in a reasonable manner. An inspection under this subsection shall extend to all things (including records) bearing on whether the requirements of this chapter have been complied with.

These subsections both evidence that APHIS can set inspection requirements and then ensure that the inspectors are correctly implementing such requirements. Furthermore, APHIS has the authority to ban equipment, devices, paraphernalia, or substances to prevent the soring of horses.⁸⁷ In order to do so, APHIS must also set inspection requirements for finding those items. Finally, as discussed in more detail above, APHIS has general authority under § 1828 to authorize such rules and regulations as are necessary to carry out the HPA.

III. Additional Thoughts

APHIS specifically sought input from commenters on certain topics, including statistics on flat shod horses versus performance class horses, scientific data on the impacts of action devices, and the viability of any alternative courses of action that the agency could implement and resolve the current problems that are rampant in the walking horse industry. In addition, a number of Big Lick organizations have been disseminating stark, unsubstantiated claims that the walking horse industry is thriving, that soring abuse is no longer prevalent, and that the APHIS Horse Protection Program is unlawful. Many of these claims are directly related to the agency's requests for information. Below, we respond to these issues.⁸⁸

a. Flat Shod Versus Performance Class Horse Entrants

“We welcome public comments as to how many flat-shod horses there are versus how many are entered into performance classes at HPA-covered events.”⁸⁹ To the Humane Societies' knowledge, the only reliable information on these figures is what the agency has published on its

⁸⁷ 15 U.S.C. § 1824(7).

⁸⁸ The Humane Societies would like to draw the agency's attention to the 2014 Sound Horse Conference, which brought together veterinarians, researchers, walking horse owners, breeders and exhibitors, USDA, and numerous concerned individuals to discuss the ongoing soring abuse of walking horses. *See* Soundhorseconference.com, 2014 Sound Horse Conference (Entire Event), YouTube (Apr. 11, 2014), <https://www.youtube.com/watch?v=IFh43nlVrfM&feature=youtu.be>. Several presentations at the conference include information that APHIS has requested in its proposed rule announcement. *See, e.g.*, Presentation of Keith Dane, *id.* at 1:25:29 - 1:42:35; Presentation of Dr. John Haffner, *id.* at 1:45:20 - 2:07:25; Presentation of Donna Benefield, *id.* at 2:50:25 - 3:05:55; Presentation of Pastor Clay Harlin, *id.* at 3:33:20 - 4:13:30; and Presentation of Carl Bledsoe, at *id.* 6:04:50 - 6:18:30.

⁸⁹ 81 Fed. Reg. 49,117.

website.⁹⁰ We have closely analyzed the available information on flat shod versus performance classes for these comments, which we have attached as Exhibit B and summarized below.

To date for the year 2016, 57% of all entries wore pads, while 43% were flat shod. These figures seem to indicate that padded/performance classes make over half of the industry's exhibitions throughout the country. However, a closer analysis shows that the numbers are vastly skewed by portions of the industry in which the Big Lick predominates. When these premiere Big Lick events are removed from the equation, the figures confirm that there are actually *fewer* padded entries (49.8%) than flat shod entries (50.2%) for the rest of the country.⁹¹

At this year's Celebration – which is the industry's most prestigious “Big Lick” event – nearly 80% of entries were padded, while only about 20% were flat shod. For the eight events held in 2016 in Shelbyville, Tennessee – widely known as the Big Lick “mecca” – 74% of the entries were padded and only 26% were flat shod. These numbers indicate that where the Big Lick is popular, horses are being shod with stacked, performance packages to elicit the Big Lick, which can only mean one thing: most, if not all, of the horses at these events are suffering at the hands of their abusive “trainers.” Moreover, these numbers indicate that the walking horse industry for the rest of the country, moving away from Shelbyville, Tennessee, is not wholly reliant on the padded, performance class.

b. Additional Scientific Data on Soring

APHIS stated in its announcement of the proposed rule that “[a]lthough our experience enforcing the HPA indicates that soring occurs when action devices are used alone or in combination with prohibited foreign substances, we welcome public comment, supported with scientific data or other information, on whether action devices used alone or in combination with other training methods may result in soring.”⁹² As discussed above in support of the agency's proposed prohibition on the use of all action devices, pads, substances, and certain other soring methods, as well as in the HSUS Petition requesting such action, there is ample scientific

⁹⁰ See U.S. Dep't of Agric., *Horse Protection Act 2016 Show Activity Reports* (2016) available at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_hpa/hp-activity-reports.

⁹¹ In reality, the nationwide percentages (excluding Shelbyville) would probably indicate a higher number of flat-shod entries. The VMOs who prepared the reports on the agency's website largely attended events which were expected to exhibit sore horses. Therefore, the remaining shows that VMOs did not attend likely had fewer or no padded horses (*i.e.* most or all entries at these shows were flat shod).

⁹² 81 Fed. Reg. 49,120.

evidence proving that the use of these devices, with or without other “training” methods, can cause irreparable, significant pain and suffering to horses.⁹³

In summary, this scientific evidence shows that the use of these devices to create an exaggerated gait can cause myriad damage to horses, including, but not limited to: lesions; imbalance in the hoof and rotation of the coffin bone; a significant risk of ripping off part or all of a horse’s hoof; lameness, including laminitis, which causes severe pain and potentially requires euthanasia; hair loss and inflammation marked by redness, swelling, heat, pain, and impaired function; excessive stretching of the muscles and tendons; and other extreme sensitivity and chronic, unbearable pain.⁹⁴

The act of soring also takes a significant, long-lasting emotional and psychological toll on the victim horses, whose demeanor typically includes standing in only one place in their stalls, being reluctant to move or eat, and evidencing depression.⁹⁵ Victims of horse soring have been observed moaning and lying in their stalls unwilling or unable to rise.⁹⁶ Indeed, many horses who have fallen victim to soring have exhibited persistent symptoms of mental anguish – similar to Post-Traumatic Stress Disorder – in which the horses “knew not where their feet and hinds ends were . . . [evidencing a] disconnect with their bodies . . . like abused children, rape victims and soldiers . . . will.”⁹⁷

Notably, the Big Lick industry has misconstrued the Auburn Study, claiming that it proves that action devices up to 6 ounces and pads cause no harm to horses.⁹⁸ Such a claim is

⁹³ See generally Exh. A, *supra* note 3, at 18-24, 222-224; see also HSUS, *Forty Years of Pain and Inflammation* at 13 (attached hereto as Exhibit C).

⁹⁴ See *supra*, pages 5-15.

⁹⁵ See Ames Study, *supra* note 17, at 5, 10-12; see also Exh. C, *supra* note 96, at 9-10 (comparing Ames Study findings with demeanor of sore horses captured during HSUS’s 2012 investigation of Jackie McConnell’s barn).

⁹⁶ See HSUS, *Tennessee Walking Horse Investigation Exposes Cruelty*, YouTube, May 25, 2012, https://youtu.be/gxVlxT_x-f0; HSUS, *USDA Inspections Find Horse Soring Cruelty*, YouTube, Sept. 2, 2016, <https://www.youtube.com/watch?v=84Sd0GNWZJs>.

⁹⁷ Kristen Kovatch, *Going Dutch: On Tennessee Walkers, ‘Big Lick’ and Equine PTSD*, HORSE NATION, June 20, 2016, available at <https://www.horsenation.com/2016/06/20/going-dutch-on-tennessee-walkers-big-lick-and-equine-ptsd/> (“[P]ainful physical abuse (beatings, chemicals and other so-called training methods), being unable to graze in stacked shoes, limited interaction with other horses, limited exposure to the outdoors, training equipment (tail binding, tie downs, stacked shoes) and the stress of training in stacks on a young colt/filly can create post-traumatic stress disorder, or PTSD, and other mental issues.”). See also Taylor Knopf, *NC State Fair cancels Tennessee Walking Horse show after protest*, THE CHARLOTTE OBSERVER, March 13, 2015, available at <http://www.charlotteobserver.com/entertainment/article14082011.html#storylink=cpy>, (“Jeannie McGuire, founder of the All American Walking Horse Alliance, said she has rehabilitated retired big lick show horses with not only physical scars but also mental damage similar to post-traumatic stress disorder.”).

⁹⁸ See Paul C. Barton, *Horse Study Once Blasted by Industry Now Trumpeted*, THE TENNESSEAN (Aug. 30, 2014), available at <http://www.tennessean.com/story/news/local/2014/08/30/horse-study-blasted-industry-now->

blatantly incorrect on multiple levels. The Auburn Study did not even research or mention the use of pads at any point.⁹⁹ Further, the Study concluded that action devices, even when worn “according to regulation” requiring weight of six-ounces or less, did cause ill effects in the form of hair loss for the subject horses.¹⁰⁰ Notably, the Study omitted any analysis of using 6-ounce chains in conjunction with soring chemicals, which is how walking horses are typically “trained.”¹⁰¹ This practice undoubtedly causes even worse harm than the hair loss that was reported.

c. Alternate Courses of Action

In its announcement of the proposed amendments, APHIS stated that it “welcome[s] comments from the public on these and other alternative options. Specifically, we would seek feedback on the viability of alternative approaches that would continue to rely on the horse industry organization concept, and what the governance of such an organization should be like. Additionally, we would request comments on how any proposed alternative would minimize the conflicts of interest issues raised by the 2010 Office of the Inspector General report into the horse protection program, especially as compared to the changes proposed in this document.”¹⁰²

Consistent with the OIG report and the HSUS Petition, the Humane Societies believe that the only viable means to remove the conflicts of interest and soring abuse that are so prevalent in the walking horse industry are the very solutions that APHIS has proposed.¹⁰³ That is, to make a meaningful difference for the horses, APHIS must overhaul the current conflict-ridden, industry-run inspection scheme and eliminate the use of action devices, pads, and other soring methods on the three breeds known to be subjected to soring.

Moreover, there is tremendous public approval for these reforms.¹⁰⁴ This support includes the strong bipartisan support and public endorsements for the Prevent All Soring Tactics (PAST)

trumpeted/14863175/; Tennessee Walking Horse Breeders and Exhibitors Association, *Facing the Future With Pride 2* available at <http://www.twhbea.com/pdf/FacingTheFutureWithPride.pdf> (“An in-depth study conducted by Auburn University found that the pads and action devices, when used according to regulation, cause no ill effects to the horses that wear them.”); see also Exh. C, *supra* note 93, at 13.

⁹⁹ See Auburn Study, *supra* note 19.

¹⁰⁰ See *id.* at 213.

¹⁰¹ *Id.*

¹⁰² 81 Fed. Reg. 49,128.

¹⁰³ See, e.g., USDA OIG Audit, *supra* note 63, at 1 (noting that the current “program for inspecting horses for soring is not adequate to ensure that these animals are not being abused”); Exh. A, *supra* note 3, at 12-24.

¹⁰⁴ The Humane Societies attach as exhibits to these comments two packets of letters from various individuals, including horse industry professionals and members of Congress. Exhibit D includes letters indicating support for the PAST Act. Exhibit E includes bipartisan congressional letters during 2014-2016 urging the strongest possible

Act, S. 1121/H.R. 3268, 114th Cong. (2015), which incorporates these key improvements.¹⁰⁵ The PAST Act would amend the HPA to statutorily abolish the failed system of industry self-policing, ban the use of devices associated with soring in the Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds, and make other reforms needed to finally end the abuse of walking horses. Hundreds of groups and key individuals, including the American Horse Council and 67 other national and state horse groups, the American Veterinary Medical Association, American Association of Equine Practitioners, state veterinary groups in all 50 states, key individuals in the Tennessee Walking Horse show world, the National Sheriffs' Association, Association of Prosecuting Attorneys, and major newspapers in Kentucky and Tennessee (the states where soring is most concentrated) strongly endorse the PAST Act.¹⁰⁶

However, despite this overwhelming public and bipartisan Congressional support – with 50 Senate cosponsors and 266 House cosponsors – Congress still has not brought the PAST Act to a vote. It is clear that APHIS has authority under the HPA to promulgate through regulations many of the changes that the PAST Act encompasses, and certainly the agency has the responsibility to address shortcomings in its regulations that have impeded the effectiveness of carrying out the HPA. The Humane Societies applaud the agency for proposing to use that authority to finally protect horses who have been suffering at the hands of abusive “trainers” for decades. Indeed, APHIS proposed these regulatory changes because it also “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.”¹⁰⁷

For years, the Big Lick industry has pushed for an alternative course of action via legislation that was seemingly introduced in response to the PAST Act. The Big Lick industry claims that the “Horse Protection Amendments Act,” S. 1161/H.R. 4105, 114th Cong. (2015), would “institute objective, science-based inspections and reform the Tennessee Walking Horse industry,” by the “creation of a single, independent Horse Industry Organization (HIO) and its

enforcement of the Horse Protection Act, including support of this proposed rule. Finally, Exhibit F contains various news articles, opinion-editorials, blogs, and letters to the editor that indicate the vital need and overall support for the proposed rule.

¹⁰⁵ Exh. A, *supra* note 3, at 26-27; *see also* HSUS, *Endorsements for the Prevent All Soring Tactics (PAST) Act* (Oct. 6, 2016), *available at*

<https://drive.google.com/file/d/0B70TaAxEEA8BM2Zobk52RjJpdkE/view?usp=sharing>; HSUS, *PAST Act Cosponsors in the 114th Congress* (Sept. 27, 2016), *available at*

<https://drive.google.com/file/d/0B70TaAxEEA8Bb3pKU2YzRFJyckU/view>.

¹⁰⁶ *See* HSUS, *Endorsements for the Prevent All Soring Tactics (PAST) Act*, *supra* note 105.

¹⁰⁷ 81 Fed. Reg. 49,117.

establishment of an objective, science-based inspection protocol.”¹⁰⁸ However, S. 1161/H.R. 4105 contains none of the important reforms needed to crack down on soring; rather, it sets back current enforcement efforts by weakening the agency’s authority and surrendering even more power and influence to the perpetrators.

The industry’s alternate legislation – which they may suggest can also be accomplished through regulatory amendments – provides no solution at all. The industry’s proposed system would simply perpetuate the current corruption and conflicts of interest riddled throughout the industry’s self-regulation by allowing a universal, industry-run HIO to manage all inspections. It would eradicate the existence of sound HIOs that have zero tolerance for soring at their events, and would provide those organizations nominal, if any, influence in the new regime. Instead, the legislation would grant oversight to agriculture commissioners in Kentucky and Tennessee – two states where soring is both prevalent and largely unabated by officials – who would appoint HIO directors from within the walking horse industry. And given the conflict of interest issues inherent in the industry, there is every reason to be concerned that those selected would be Big Lick proponents, rather than individuals determined to end soring.

The Big Lick industry claims its legislation will strengthen inspections by requiring objective, science-based, peer-reviewed techniques. However, APHIS already uses methods that meet these criteria (*i.e.*, thermographic examinations; foreign substance swabbing; digital x-rays; and blood testing) as well as other procedures widely accepted by the veterinary community such as examination for Scar Rule violations and digital palpation.

Finally, this legislation does nothing to address the detection and eradication of the pads, chains, and other devices that are directly associated with soring. It is clear that the Big Lick’s proposed alternative would merely serve to codify the status quo, or make the current situation even worse, while preventing meaningful, effective reform.

d. Responding to the Big Lick Faction’s Opposition

The Big Lick industry has voiced an unsubstantiated fear that the proposed regulatory changes would cause their walking horses to lose all value. The industry is asserting that, because the trainers can no longer find a purpose for the horses if they cannot use stacks and action devices, these “worthless horses” would potentially starve or end up in the slaughter

¹⁰⁸ Press Release, Tennessee Walking Horse Breeders’ and Exhibitors’ Association, *TWHBEA Endorses Blackburn Legislation* (Feb. 27, 2014), <http://www.twhbea.com/News%202012/14TWHBEAAppreciatesBlackburn.php>.

pipeline. However, sored horses are the ones ending up sent to slaughter. In 2014, HSUS rescued Dutch, a scarred Tennessee Walking Horse, from the slaughter pipeline.¹⁰⁹ Dutch was dropped off at a livestock auction with tall, stacked performance packages still attached to his hooves. This horse is just one “example of what happens to the horses in this industry. When they're no longer able to get through inspection because the scarring has gotten so bad, the owners dump them.”¹¹⁰ By protecting walking horses from soring abuse – and its distorted, fleeting attribution of worth – more effective HPA enforcement would prevent such demise for these horses.

Numerous flat-shod classes and sound HIO exhibitions have proven time and again that action devices and pads are not a prerequisite to a walking horse's potential to compete.¹¹¹ Moreover, if the Big Lick faction of the industry has only been able to derive value from its horses through abuse – much of it unlawful under the HPA and current – then they have brought this eventuality upon themselves. An economy based on criminal activity should not be allowed to persist; it is wrong and unhealthy for both the walking horse and the industry.¹¹²

Finally, it is the act of soring, not attempted reform, that has caused the perceived value of walking horses to plummet and impacted the industry.¹¹³ Soring has caused there to be a “negative stigma” associated with the walking horse as a breed, and “has caused the value of yearling colts to drop from \$20,000 or more to \$300-\$500 in just a few short years.”¹¹⁴ Walking horse breeding records reflect that in 2012, less than 5% of mares were bred compared to

¹⁰⁹ See Heidi Hall, Tennessee Walking Horse 'Dutch' Saved From Slaughter, THE TENNESSEAN (Aug. 3, 2014), available at <http://www.tennessean.com/story/news/local/2014/08/03/tennessee-walking-horse-dutch-saved-slaughter/13557647/>.

¹¹⁰ *Id.* (quoting Keith Dane, HSUS).

¹¹¹ See Holly Meyer, *Walking Horse Group Successful with Flat-Shod Rules*, THE TENNESSEAN, (July 18, 2015), available at <http://www.tennessean.com/story/news/2015/07/18/walking-horse-group-successful-flat-shod-rules/30357289/> (“We saw that we couldn't be profitable with performance padded shows, but we had a great niche in the flat-shod industry. . . If the PAST Act passes and the pads and chains were gone, the industry and the Tennessee walking horse breed will certainly survive.”).

¹¹² Even if the industry could substantiate their claims of economic hardship as a result of stiffer enforcement of the HPA, “[t]he general rule is that the federal government may not be equitably estopped from enforcing public laws, even though private parties may suffer hardship as a result in particular cases.” See *Office of Pers. Mgmt. v. Richmond*, 496 U.S. 414 (1990); *Heckler v. Comty. Health Serv. of Crawford Cty, Inc.*, 467 U.S. 51 (1984); *INS v. Miranda*, 459 U.S. 14 (1982); *Schweiker v. Hansen*, 450 U.S. 785 (1981); *Fed. Crop Ins. Corp. v. Merrill*, 332 U.S. 380 (1947).

¹¹³ HSUS created a pamphlet indicating the impact that soring has had on the industry over time, which is attached hereto as Exhibit G.

¹¹⁴ See *Concerning the Prevent All Soring Act: Hearing on H.R. 1518 before the Subcomm. on Commerce, Manufacturing, and Trade*, 113th Cong., at 3 (2013) (testimony of Marty Irby, Former International Director and President of the Tennessee Walking Horse Breeders' and Exhibitors' Association), available at <http://docs.house.gov/meetings/IF/IF17/20131113/101469/HHRG-113-IF17-Wstate-IrbyM-20131113.pdf>.

2004.¹¹⁵ Indeed, pursuant to the agency’s expert elicitation for an economic analysis of the industry in 2012, “experts agreed that the value of show horses has decreased over the past 3 to 5 years. One expert indicated that ‘a decade ago, the minimum value of a horse that could compete and win a ribbon was valued in the \$12,000 to \$15,000 price range,’ further stating that ‘the [value of the] horses in this market range have decreased significantly to the point that the most common value horse is now marketable in the value range of a minimum value horse a decade ago.’”¹¹⁶

Soring has caused clear damage to the walking horse industry. The membership base of the Tennessee Walking Horse Breeders’ and Exhibitors’ Association (TWHBEA) – which boasts that it is “the oldest and most prestigious organization devoted to the promotion of the breed”¹¹⁷ – now hovers at approximately 6,500 individuals; about a decade ago, it totaled over 20,000 members.¹¹⁸ In 2009, the World Equestrian Games refunded TWHBEA’s \$20,000 deposit and denied it exhibition space due to “some controversy surrounding that breed” due to soring.¹¹⁹ And in 2013, Tracy Boyd, the president of TWHBEA at the time, called for reform in response to the public outcry over soring and its impact, stating “TWHBEA has lost members in droves, and the brutal emails I have received tell me why. It is our reputation. It is soring. It is our image.”¹²⁰

¹¹⁵ See *id.*

¹¹⁶ REPORT, PREPARED FOR USDA/APHIS BY RTI INTERNATIONAL, EXPERT ELICITATION IN SUPPORT OF THE ECONOMIC ANALYSIS OF THE TENNESSEE WALKING HORSE AND RACKING HORSE INDUSTRY 3-9 (2012), available at https://www.aphis.usda.gov/animal_welfare/hp/downloads/reports/APHIS%20TN%20Walking%20and%20Racking%20Horse%20EE%20final%20report.pdf.

¹¹⁷ See TWHBEA, *About the TWHBEA*, available at <http://www.twhbea.com/association/about.php> (last visited Oct. 24, 2016).

¹¹⁸ See Press Release, Tennessee Walking Horse Breeders’ and Exhibitors’ Association, *Tennessee Walking Horse Breeders’ and Exhibitors’ Association Improves* (March 3, 2016), available at <http://www.twhbea.com/News%202015-2016/16Update.php>; See *Concerning the Prevent All Soring Act: Hearing on H.R. 1518 before the Subcomm. on Commerce, Manufacturing, and Trade*, 113th Cong., at 3 (2013) (testimony of Marty Irby, Former International Director and President of the Tennessee Walking Horse Breeders’ and Exhibitors’ Association), *supra* note 114.

¹¹⁹ See Janet Patton, *WEG Picks Natural Walking Horses for Exhibits*, LEXINGTON HERALD LEADER (Oct. 30, 2009), available at <http://www.kentucky.com/sports/horses/article44012637.html> (“A controversial Tennessee Walking Horse group will not be allowed to participate in the Equine Village at the Alltech FEI World Equestrian Games after all. Instead, the Games will highlight the National Walking Horse Association, which prohibits devices and practices that exaggerate the horse’s natural gait.”).

¹²⁰ HORSETALK, *Walking Horse Leader Declares: It is Time for Change* (May 29, 2013), available at <http://www.horsetalk.co.nz/2013/05/29/walking-horse-leader-declares-time-for-change/#axzz4KLyqZh8B>.

Former insiders in the Big Lick industry are calling for reform. Doctor John C. Haffner, a veterinarian who previously worked for the Big Lick faction, has voiced the need to move away from the Big Lick to save the walking horse industry:

The difference is that the flat shod horse has a natural gait which is not of necessity dependent on soring. There can be flat shod shows without soring. I think this is where the future lies for the walking horse industry, and the sooner that the big lick dies, the sooner the business can get on the road to recovery.¹²¹

And Bill Harlin of Harlinsdale Farm in Tennessee, a training barn known for two-time world grand champion walking horse Midnight Sun, has similarly stated, “[p]ads and chains are killing the industry. And I don’t know how long we can wait for proper enforcement before the industry dies . . . The time has come – in fact, it’s long overdue – for these practices to end . . . We’re now in a fight for survival of the breed.”¹²² Mr. Harlin’s son, who was raised in the walking horse industry and has served as a Director, Executive Director, and Senior Vice President of the Executive Committee of TWHBEA, now denounces soring and has urged Congress “to take the right and humane high road to securing a better future for the equine industry” by passing legislation like the PAST Act so that “this horrible nightmare will eventually come to an end and the industry will be reborn.”¹²³

Indeed, soring “infects not only major venues like The Celebration but also the one night horse shows that are part of the culture in these breeds – and which has caused a decades-long decline in the attendance and participation at horse shows . . .”¹²⁴ The North Carolina Department of Agriculture and Consumer Services responded to public outcry over soring abuse by completely canceling its entire Tennessee Walking Horse exhibition, including both performance package and flat-shod classes.¹²⁵ And over 103,000 North Carolinians urged officials to take

¹²¹ Letter from Dr. John C. Haffner, D.V.M., to Congressman Ed Whitfield (Nov. 25, 2013), in Exh. D, *supra* note 104, at 3-5.

¹²² Sue McClure, *Bill Harlin Worries about Future of Walking Horse Breed*, THE TENNESSEAN (Jan. 29, 2014), available at <http://www.tennessean.com/story/news/local/williamson/2014/01/30/bill-harlin-worries-about-future-of-walking-horse-breed/4981751/>.

¹²³ See Exh. D, *supra* note 104, at 6-7.

¹²⁴ See *Concerning the Prevent All Soring Act: Hearing on H.R. 1518 before the Subcomm. on Commerce, Manufacturing, and Trade*, 113th Cong., at 1-2 (2013) (testimony of Teresa Bippen, President, Friends of Sound Horses), available at <http://docs.house.gov/meetings/IF/IF17/20131113/101469/HHRG-113-IF17-Wstate-BippenT-20131113.pdf>.

¹²⁵ See Pat Raia, *North Carolina State Fair Drops Walking Horse Classes*, THE HORSE (March 12, 2015), available at <http://www.thehorse.com/articles/35465/north-carolina-state-fair-drops-walking-horse-classes>.

similar action for the State's 2016 Championship Walking Horse Show.¹²⁶ There was also overwhelming opposition to hosting the Tennessee Walking Horse Trainers Show at an arena in Morgan County, Alabama given the prevalence of its past soring violations.¹²⁷ Therefore, it is clear that any reform that reduces the amount of soring occurring in the industry should help, rather than hurt, the industry's approval ratings and the value of the horses.

IV. Conclusion

The Humane Societies commend APHIS for taking such important steps toward reducing soring in a meaningful way by proposing to overhaul the failed, industry-run inspection system and eliminate the use of action devices and other tools and techniques that are scientifically proven to cause unnecessary pain and suffering to horses. As explained in the HSUS Petition, these reforms are the keys to significantly curtailing the decades-long abuse that is rampant in the walking horse industry, and the urgency to implement them is paramount. Indeed, as one veterinarian who previously worked in the Big Lick industry has observed, "[t]he fact is the big lick can only be accomplished by soring. When one soring technique becomes detectable, another one is developed. The big lick is a learned response to pain and if horses have not been sored, they do not learn it."¹²⁸ APHIS's authority to undertake these important reforms is crystal clear. Therefore, we urge the agency to issue its final rule as quickly as possible.

¹²⁶ Petition, CHANGE.ORG, *Cancel and Boycott "Big Lick" Tennessee Walking Classes - North Carolina Championship Show*, available at <https://www.change.org/p/mr-matt-buchanan-cancel-and-boycott-big-lick-tennessee-walking-classes-north-carolina-championship-show> (last visited Oct. 24, 2016).

¹²⁷ See Poll, *Should Celebration Arena have hosted the Tennessee Walking Horse Trainers Show given its previous horse soring violations?*, THE DECATUR DAILY (Apr. 3, 2015), available at http://www.decaturdaily.com/should-celebration-arena-have-hosted-the-tennessee-walking-horse-trainers/poll_e18be182-da45-11e4-a954-abd011f62025.html; see also Leah Cayson, *Controversy follows Walking Horse Trainers Show to Morgan County*, THE DECATUR DAILY (Apr. 3, 2015), available at http://www.decaturdaily.com/news/controversy-follows-walking-horse-trainers-show-to-morgan-county/article_dbaf82ff-1e9c-52ea-b83c-5b733c6ede98.html ("When I saw the show was going to the arena, I was nauseated . . . I know that's a show that always has a lot of soring violations, and it's coming to my county.").

¹²⁸ Letter from Dr. John C. Haffner, D.V.M., to Congressman Ed Whitfield, in Exh. D, *supra* note 104, at 2.

Respectfully Submitted,

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EXHIBIT A

BEFORE THE UNITED STATES
DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

THE HUMANE SOCIETY OF THE UNITED STATES

Petitioner.

v.

HONORABLE TOM VILSACK, SECRETARY,
UNITED STATES DEPARTMENT OF AGRICULTURE

KEVIN SHEA, ADMINISTRATOR,
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

DR. CHESTER GIPSON, DEPUTY ADMINISTRATOR,
ANIMAL CARE PROGRAM, ANIMAL AND PLANT HEALTH
INSPECTION SERVICE

Respondent.

**SUPPLEMENTAL PETITION FOR RULEMAKING
TO AMEND REGULATIONS UNDER THE HORSE PROTECTION ACT**

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February 18, 2015

I. INTRODUCTION

This petition is submitted on behalf of The Humane Society of the United States (“The HSUS”) to supplement its previous petition to amend the regulations under the Horse Protection Act (“HPA” or “Act”).¹ In particular, The HSUS requests that the United States Department of Agriculture (“USDA” or “Agency”) revise key HPA regulations to ensure that the inhumane practice of soring is no longer widespread within the walking horse industry.

Tennessee Walking Horses and related breeds are prized by some in the walking horse show industry for their ability to perform a distinctive high-stepping gait known as the “big lick.” A cruel technique known as “soring” is routinely used to elicit the “big lick” from these horses in order to win prizes at shows that reward this gait. Soring involves injuring a horse’s front limbs, both mechanically and chemically, with the goal of inflicting such intense pain that any contact with the ground causes the horse to jerk its leg up to relieve pressure on the injured areas. The Horse Protection Act, 15 U.S.C. §§ 1821, *et seq.*, was enacted specifically to prohibit this gruesome and inhumane practice. Yet as described below, it remains prevalent at many of the industry’s most lucrative competitions.²

Congress empowered the Secretary of USDA to, *inter alia*, promulgate regulations to achieve the Act’s goal of eliminating all soring.³ In the decades since the Act was passed, however, it has become clear that the existing regulatory scheme cannot accomplish that goal. USDA’s Office of Inspector General (“OIG”) has specifically recognized the regulations’

¹ On August 4, 2010, The HSUS, along with other interested parties, submitted a petition for rulemaking to USDA requesting changes to HPA regulations and policies. *See* The HSUS, et al., Petition for Rulemaking, Dkt No. APHIS-2011-0006, APHIS Doc. No. APHIS-2011-0006-0002 (Aug. 4, 2010), *available at* <http://www.regulations.gov/contentStreamer?objectId=0900006480c1c636&disposition=attachment&contentType=pdf> (hereinafter “Original Petition”).

² *See* 15 U.S.C. § 1822; *see also* H.R. Rep. No. 91-1597, at 1 (1970), *reprinted in* 1970 U.S.C.C.A.N. 4870, 4871 (the goal of the HPA is “to gait”).

³ 15 U.S.C. § 1828. The Secretary of Agriculture has delegated its enforcement authority to the Animal and Plant Health Inspection Service. *See* 9 C.F.R. Part 11.

failings, noting in its 2010 report that the current “program for inspecting horses for soring is not adequate to ensure that these animals are not being abused.”⁴ Accordingly, Petitioner respectfully requests that the Animal and Plant Inspection Service (“APHIS”), to which USDA has delegated its HPA-enforcement authority, modify certain HPA implementing regulations and policies to rectify the existing regulatory scheme’s failures.⁵

II. INTEREST OF PETITIONER

As described in its original petition, The HSUS is a non-profit organization devoted to the welfare and protection of all animals. The HSUS actively campaigns against the abusive practice of soring and promotes the humane treatment of walking horses through various measures including public education, investigations, and cooperation with USDA and law enforcement agencies.⁶ Petitioner aims to eliminate the longstanding abuse of horses in the walking horse industry.

III. ACTION REQUESTED

Petitioner submits this supplemental rulemaking petition under the Horse Protection Act.⁷ The requests contained herein call on the Secretary take action to comply with Congress’ express intent for the Agency to protect horses from “the cruel and inhumane” practice of soring and eliminate the competitive advantage enjoyed by the horses’ abusers.⁸ Specifically, Petitioner requests that USDA amend the HPA regulations to:

⁴ USDA Office of Inspector Gen., Audit Rep. 33601-2-KC, Animal and Plant Health Inspection Service Administration of the Horse Protection Program and the Slaughter Horse Transport Program 1 (2010), *available at* <http://www.usda.gov/oig/webdocs/33601-02-KC.pdf> (emphasis added) (hereinafter “USDA OIG Audit”).

⁵ For purposes of this petition, USDA, the Secretary, and APHIS are collectively referred to as USDA.

⁶ See Original Petition, *supra* note 1 at 5-6.

⁷ This submission is made pursuant to the Right to Petition Government Clause contained in the First Amendment of the U.S. Constitution, the Administrative Procedure Act, and USDA’s implementing regulations. U.S. Const. amend. I; 5 U.S.C. § 553(e); 7 C.F.R. § 1.28.

⁸ 15 U.S.C. §§ 1822(1)-(3). Congress characterized the problem as one of unfair competition and distorted incentives, which ultimately placed burdens upon interstate commerce because those choosing not to sore their horses “have been faced with a difficult dilemma; either they must forgo most opportunities to compete successfully in horse shows, or they must devote their attentions to a different breed of horse.” Congress also recognized that

1. Abolish the industry-regulated inspection scheme, and the corresponding use of Designated Qualified Persons (“DQPs”), and replace it with an inspection scheme administered and regulated by the Agency, which eliminates the conflicts of interest inherent in the current system;
2. Prohibit the use of all action devices, horseshoe “stacks,” “performance packages,” and other soring techniques on breeds of horses known to be subject to soring with this equipment to achieve an exaggerated “big lick” gait;
3. Establish a policy to impose extended disqualification periods, up to and including lifetime disqualification, for offenders with multiple HPA violations; and
4. Establish a policy to impose extended disqualification periods for horses found to be sore.

Petitioner respectfully requests that USDA implement these changes by adopting the proposed amendments to the current regulations, attached hereto as Exhibit 1.

IV. PROCEDURAL BACKGROUND

On August 4, 2010, The HSUS and other interested parties petitioned USDA, requesting that the Agency revise its regulations and policies regarding the inhumane treatment of walking horses.⁹ The 2010 petition requested that the Agency (1) Permanently disqualify horses found to be in violation of the “scar rule” from future horse showing activities; (2) Require Horse Industry Organizations (“HIOs”) to adopt a minimum penalty structure for HPA violations; (3) Incorporate certain Points of Emphasis into the Horse Protection Act regulations; (4)

soring posed long-term dangers to the health of the breed. Because show champions are valuable as studs, an industry that permits soring and rewards sore horses creates a genetically weaker breed than an industry that rewards naturally talented, sound horses. H.R. Rep. No. 91-1597 at 4871.

⁹ Petitioner uses the term “walking horse” to collectively refer to the three related breeds of horses that are the most frequently subjected to soring practices throughout the industry: Tennessee Walking Horses, Spotted Saddle Horses, and Racking Horses.

Permanently disqualify individuals who have repeatedly violated the Act from future horse-showing activities; and (5) Decertify HIOs after their failure or refusal to correct instances of noncompliance.¹⁰

On March 21, 2012, The HSUS submitted a supplemental petition requesting that USDA prosecute the use of illegal masking agents on walking horses as felony interference under 18 U.S.C. § 1825(a)(2)(C).¹¹ That petition included new data regarding the prevalence of soring in the walking horse industry as well as the lengths to which offenders will go to evade detection.¹²

Although USDA has not ruled on the petitions, it *de facto* granted Petitioner's request that the Agency require HIOs to adopt a minimum penalty structure for HPA violations, albeit with a less stringent penalty structure than The HSUS had requested.¹³ The Agency also *de facto* granted Petitioner's request that it decertify non-compliant HIOs by bringing actions to decertify two such HIOs.¹⁴ In contrast, with respect to two of The HSUS's other requests, the Agency asserted that it lacked authority both to permanently disqualify sored horses and to permanently disqualify individuals who repeatedly violate the HPA.¹⁵ For the reasons discussed below, The HSUS disagrees with the Agency's assertion regarding its authority.

¹⁰ See Original Petition, *supra* note 1 at 7-8, 18-28.

¹¹ See The HSUS, Supplemental Petition for Rulemaking, USDA (March 21, 2012), attached hereto as Exhibit 3.

¹² See *id.* at 1-3.

¹³ See Minimum Penalties to Be Assessed and Enforced by HIOs that License DQPs, 9 C.F.R. § 11.25; Proposed Rule Requiring Minimum Penalties, 76 Fed. Reg. 30,864, 30,865-68 (May 27, 2011). SHOW, Inc., along with other walking horse industry players, sued USDA for its promulgation of the mandatory minimum penalty structure, alleging that it is unconstitutional and a violation of the Administrative Procedure Act. See *SHOW, Inc. v. U.S. Dep't Agric.*, Civ. No. 12-00429-Y, 2012 WL 2796568 (N.D. Tex. July 10, 2012), *on appeal*, *Contender Farms, L.L.P., et al. v. U.S. Dep't Agric.*, No. 13-11052 (5th Cir. filed Sept. 25, 2013). The district court dismissed the plaintiffs' claims. Summ. J. Order, *SHOW, Inc. v. U.S. Dep't Agric.*, Civ. No. 12-00429-Y (N.D. Tex. July 29, 2013) (hereinafter "*SHOW v. USDA* Order"). The appeal of that decision is currently pending before the Fifth Circuit. SHOW, Inc. did not join in the appeal. See Appellants' Brief at 10, *Contender Farms v. U.S. Dep't Agric.*, No. 13-11052 (5th Cir. Dec. 18, 2013).

¹⁴ USDA has pursued both SHOW, Inc. and Heart of America Walking Horse Association for ongoing noncompliance with the mandatory penalty structure. See *In re Heart of Am. Walking Horse Assoc.*, No. 14-0078 (Dep't of Agric. Mar. 11, 2014); *In re SHOW, Inc.*, No. 14-0056 (Dep't of Agric. Jan. 9, 2014).

¹⁵ Notice of Petition for Amendments to Regulations, 76 Fed. Reg. 20,569, 20,570 (Apr. 13, 2011) (to be codified at 9 C.F.R. Part 11).

Although requiring HIOs to adopt a minimum penalty structure was a step in the right direction, as was filing a complaint attempting to decertify certain noncompliant HIOs, neither of these actions, nor the Agency's other laudable enforcement efforts, have proven sufficient to end the abusive and illegal practice of soring that continues to plague the walking horse industry. As described more fully below, it has become absolutely clear that, to curtail (and ultimately eliminate) soring, USDA must abolish the current system of self-regulation and replace it with an inspection regime that is managed and administered by USDA rather than the industry.

It has also become absolutely clear that equipment used to exacerbate and perpetuate the pain and injury associated with soring, such as action devices, pads, and weighted shoes, must be banned.

Finally, to ensure that the penalties for HPA violations actually deter future violations, The HSUS is reviving, with modifications, two of its previous requests: that the Agency make clear that it intends to use its enforcement discretion to (a) impose extended disqualification periods for individuals who repeatedly violate the HPA; and (b) disqualify horses found to be sore not only from the show at which the horse is identified as sore, but also from future shows.

Over two years ago, the Agency announced in the Federal Register that "several changes to the regulations" were forthcoming, and that it "intend[s] to propose those changes in a separate document, which is currently under development."¹⁶ To date, USDA has not proposed any changes, let alone promulgated them. Petitioner urges the Agency to consider this supplemental petition and the attached proposed regulations as it determines what changes should be made expeditiously to the HPA regulation-and-enforcement scheme.

¹⁶ See Proposed Rule Requiring Minimum Penalties, 76 Fed. Reg. 30,867.

V. FACTUAL BACKGROUND

A. Soring Abuse Continues to be Rampant Throughout the Industry.

There is little room for doubt that the Agency's current regulation and enforcement scheme is not adequately curtailing the practice of soring. As detailed below, just as when The HSUS submitted its August 2010 petition, soring remains widespread.

The statistics on soring paint a bleak picture for horses in the walking horse industry. Over 40% of the 1,560 horses entered into the 2014 Tennessee Walking Horse National Celebration—the industry's most prestigious “big lick” event—were either disqualified after inspection or were “scratched” prior to inspection.¹⁷ And of the horses that were inspected, the Agency discovered a 20% HPA violation rate.¹⁸ Even higher violation rates appear in specific testing for foreign substances, or soring chemicals and/or numbing agents that are surreptitiously used on a horse's pasterns to prevent it from reacting to pain during inspection and exhibition. At the 2014 Celebration, USDA discovered that 52% of horses had been treated with foreign substances.¹⁹ There is no reason to believe that 2014 was an anomaly. From 2010 to 2013, for example, over 74% of randomly selected horses at USDA-attended shows tested positive for foreign substances.²⁰

¹⁷ A “scratched” horse is one that is pulled from a competition prior to inspection. Although horses can scratch for different reasons, typically a horse scratches because a trainer or owner knows that a horse will not pass inspection due to soring. *See Concerning the Prevent All Soring Act: Hearing on H.R. 1518 before the Subcomm. on Commerce, Manufacturing, and Trade*, 113th Cong., at 12 (2013) (testimony of W. Ron DeHaven, DVM, MBA, American Veterinary Medical Association), <https://www.avma.org/Advocacy/National/Documents/AVMATestimonyPASTActHearing.pdf> (last visited Feb. 18, 2015). *See also* USDA, Horse Protection Activity Report (Sept. 8, 2014), *available at* <http://www.aphis.usda.gov/newsroom/2014/09/pdf/VMO%20Total%20Report%20Celebration.pdf> (hereinafter “Horse Protection Activity Report”).

¹⁸ *See* Horse Protection Activity Report, *supra* note 17.

¹⁹ *See* USDA, APHIS Horse Protection Program, Foreign Substance Report for the Tennessee Walking Horse National Celebration (Aug. 2014) (hereinafter “USDA 2014 Foreign Substance Report”), attached hereto as Exhibit 4. The Agency sampled the blood of 125 horses at the 2014 Celebration from August 21 to August 30, and 65 samples tested positive for foreign substances. *See id.*

²⁰ *See* The HSUS, Summary of 2010-2013 USDA Foreign Substance Analysis (last edited Oct. 27, 2014), attached hereto as Exhibit 5. *See also*, USDA, Horse Protection Foreign Substance Results (2010), *available at* http://www.aphis.usda.gov/animal_welfare/hp/downloads/show%20tally%202010%20for%20web.pdf; USDA,

Moreover, the majority of top trainers at “big lick” events have a history of multiple HPA violations, making clear that the industry continues to reward bad behavior rather than penalize it. Nine of the ten top cash-prize winning trainers in the 2014 Celebration have a history of multiple HPA violations.²¹ Wright Stables, the overall prize winner of the show, accumulated an astounding 41 citations for HPA violations within the last four years, while other winners’ individual records reveal as many as 36 citations for past HPA violations.²² Further, 13 of the 16 horses entered in the World Grand Championship Qualifying Stallions Division of the 2014 Celebration had trainers with HPA-violation histories.²³ The current system is failing to provide any meaningful deterrent to these repeat violators, whose unlawful, abusive behavior continues to be rewarded with big wins.

The situation at Celebration is hardly unique: all but 2 of the top 25 trainers in the 2014 Rider’s Cup, the industry’s annual ranking of the trainers who have scored the highest points, have a history of HPA violations, with a shared total of over 500 past citations for HPA violations.²⁴ The same pattern holds true for previous Rider’s Cup rankings. In 2013, *every single trainer* in the top 25 had known HPA-violation histories, with 374 citations in total.²⁵ In

Horse Protection Program 2011	Foreign Substance Results (2011),	<i>available at</i>
http://www.aphis.usda.gov/animal_welfare/hp/downloads/show%20tally%202011%20for%20web.pdf ;	USDA,	
Horse Protection Program 2012	Foreign Substance Results (2012),	<i>available at</i>
http://www.aphis.usda.gov/animal_welfare/hp/downloads/show%20tally%202012%20for%20web.pdf ;	USDA,	
Horse Protection Program 2013	Foreign Substance Results (2013),	<i>available at</i>
http://www.aphis.usda.gov/animal_welfare/hp/downloads/show%20tally%202013%20for%20web.pdf .		

²¹ See The HSUS, Citations for HPA Violations Issued to 2014 Celebration Prize-Winners (last edited Dec. 1, 2014), attached hereto as Exhibit 6.

²² *Id.* The following 2014 Celebration prize-winners have records with multiple HPA citations beginning in 2009: Laurie Toone has two citations; Mickey McCormick boasts 23 citations; Callaway Stables holds 18; Howard Hamilton has a record of 22; Jimmy McConnell has a whopping 36 past citations; Joe Fleming’s record has 4 HPA violations; Winky Groover holds 28; and Baucom Stables has 25 HPA citations.

²³ See The HSUS, HPA Citations: Horses Entered into the World Grand Championship Qualifying Stallions Division of the 2014 Celebration (last edited Dec. 1, 2014), attached hereto as Exhibit 7.

²⁴ See The HSUS, Citations for HPA Violations Issued to the Top 25 Trainers in the 2014 Rider’s Cup (last edited Dec. 1, 2014), attached hereto as Exhibit 8.

²⁵ See The HSUS, Citations for HPA Violations Issued to Top Trainers in the 2013 Rider’s Cup (last edited Dec. 1, 2014), attached hereto as Exhibit 9.

2012, all but one of the 15 top trainers had HPA-violation histories, totaling 52 citations in all.²⁶ And in 2011, each of the top 20 trainers had known HPA-violation histories, totaling 164 citations in all.²⁷ These numbers demonstrate that trainers must consistently score to get to the top.

In the spring of 2011, The HSUS conducted an undercover investigation that documented the use of soring and other abusive practices by prominent horse trainer Jackie McConnell. McConnell “trained” his horses for shows by using a variety of soring techniques, including the application of mustard oil, fuels, cleaning agents, and other caustic substances to horses’ legs.²⁸ The HSUS provided videotapes and other evidence of this abuse to the U.S. Attorney’s Office for the Eastern District of Tennessee, which resulted in a 52-count federal indictment against four defendants, including McConnell.²⁹ In May 2012, McConnell pleaded guilty to felony conspiracy to violate the HPA.³⁰ To avoid jail time, McConnell agreed to a sentence of one year of house arrest followed by four years of supervised probation, a \$25,000 fine, and a prohibition on owning and training horses for 20 years.³¹

McConnell’s conviction followed another high-profile HPA prosecution. After a seven-month investigation into soring by USDA’s Office of Inspector General, the federal government indicted former walking horse trainers Barney Davis, Christen Altman, and Jeffery Bradford for multiple violations of the HPA. In November 2011, the three pleaded guilty to 34 counts of

²⁶ See The HSUS, Citations for HPA Violations Issued to the Top Trainers in the 2012 Rider’s Cup (last edited Dec. 1, 2014), attached hereto as Exhibit 10.

²⁷ See The HSUS, Citations for HPA Violations Issued to the Top Trainers in the 2011 Rider’s Cup (last edited Dec. 1, 2014), attached hereto as Exhibit 11.

²⁸ See Indictment at 5-11, *United States v. McConnell*, No. 4:12-cr-00009 (E.D. Tenn. Feb. 29, 2012).

²⁹ *Id.*

³⁰ See Minutes for Jackie McConnell Change of Plea, *United States v. McConnell*, No. 4:12-CR-9-001 (E.D. Tenn. May 22, 2012).

³¹ Megan Chuchmach, ABC NEWS, *Horse Trainer Pleads Guilty to Animal Abuse* (July 11, 2013), available at <http://abcnews.go.com/Blotter/horse-trainer-pleads-guilty-animal-abuse/story?id=19638676>.

HPA violations.³² Davis, the “ringleader,” was sentenced to a year in prison, fined \$4,000, and ordered to educate the public about horse soring.³³ Davis has since described the brutal techniques commonly used to sore horses in the industry.³⁴ And he has explained that trainers must sore horses to remain competitive due to the practice’s pervasiveness within the walking horse industry.³⁵ William C. Killian, United States Attorney for the Eastern District of Tennessee, reflected a similar understanding, saying that “[t]he crimes committed by these individuals are examples of widespread problems in the equine industry that give unfair and illegal advantage to some competitors over others, in addition to causing extreme pain to the animals.”³⁶

In December 2013, walking horse trainers Larry Joe Wheelon, Randall Stacy Gunter, and Brandon Lunsford, along with farrier Blake Tanner Primm, were indicted on 17 counts of aggravated cruelty to animals under Tennessee law for soring horses.³⁷ After a year-long investigation, the Blount County Society for the Prevention of Cruelty to Animals (“Blount SPCA”), the Blount County Sheriff’s office, USDA, and other animal protection groups executed a search warrant at Wheelon’s training barn and discovered a horrifying scene. According to Kellie Bachman, a Blount SPCA investigator, “[t]he horses were down, they were

³² Keith Dane & Joseph Tydings, *McConnell Gets \$75,000 Fine, 3 Years’ Probation In Horse Abuse Case*, THECHATTANOOGAN.COM, Sept. 18, 2012, at <http://www.chattanooga.com/2012/9/18/234572/McConnell-Gets-75000-Fine-3-Years.aspx>; *see also* Press Release, Dep’t of Justice, Barney Davis, Christen Altman, and Jeffery Bradford Plead Guilty To Horse Protection Act Violations (Nov. 8, 2011), *available at* <http://www.justice.gov/usao/tne/news/2011/November/110811%20Horse%20Soring%20Guilty%20Plea.html>.

³³ Brian Mosely, *Soring Leader Sentenced to Jail, Must Submit Article*, Times-Gazette, Feb. 28, 2012, *available at* <http://www.t-g.com/story/1820356.html>.

³⁴ *See generally*, Interview by Keith Dane, The HSUS, with Barney Davis, former Tennessee Walking Horse trainer, in Sewanee, Tenn. (June 28, 2012), *available at* http://www.humanesociety.org/news/press_releases/2012/08/exclusive_barney_davis_video_082812.html (hereinafter “Davis Interview”).

³⁵ *Id.*

³⁶ Mosely, *supra* note 33.

³⁷ Press Release, The HSUS, Indictments Made in Maryville, Tenn., Horse Soring Investigation, Dec. 4, 2013, *available at* http://www.humanesociety.org/news/press_releases/2013/12/tn-horse-soring-indictments-120413.html.

moaning, they were casting themselves, [and] their legs were all wrapped. . . . It was pretty brutal.”³⁸ Trials in Blount County Circuit Court for both Wheelon and Gunter are forthcoming.³⁹

Just as disturbing as the crimes themselves are the positions that some perpetrators hold within the industry. For example, Wheelon was not only a renowned, long-time trainer, but also a past horse show judge and an ethics committee member for the Walking Horse Trainers Association.⁴⁰ Also deeply troubling is the ability of those accused of soring to remain active within the industry. Just months after the indictment was handed down, both Wheelon and Gunter were ticketed and disqualified from a Kentucky Walking Horse Association HIO-affiliated show for attempting to exhibit a sore horse.⁴¹

These are only a few examples of what has become standard practice in the walking horse industry. Soring a horse is illegal, yet it continues largely unabated due to the anemic enforcement scheme currently in place.

³⁸ Heidi Hall, *Tennessee Walking Horse Trainer, Show Judge Indicted on Animal Cruelty Charges*, The Tennessean, Dec. 5, 2014, available at <http://archive.tennessean.com/article/20131205/NEWS03/312050052/Tennessee-Walking-Horse-trainer-show-judge-indicted-animal-cruelty-charges>.

³⁹ The charges against Defendant Blake Tanner Primm have been dismissed. See Wes Wade, *Daily Times, Livestock Cruelty Charges Against Second Worker Advanced* (Dec. 17, 2014), available at http://www.thedailytimes.com/news/livestock-cruelty-charges-against-second-worker-advanced/article_9cf5409d-d767-5fcc-a325-8e03262e6979.html. Defendant Brandon Lunsford was killed in a vehicle accident this past month. Knoxville News Sentinel, *One Killed, One Injured in Blount Pickup Crash* (Nov. 22, 2014), available at http://www.knoxnews.com/news/watchful-eye/one-killed-one-injured-in-blount-pickup-crash_90365739.

⁴⁰ See Hall, *supra* note 38.

⁴¹ Both Larry Joe Wheelon and Randall Stacy Gunter are listed as receiving suspensions for a unilaterally sore horse on July 15, 2014 via USDA’s Horse Protection Act suspension search engine. See USDA, Horse Protection Suspension Search, available at https://acissearch.aphis.usda.gov/HPASusp/faces/Suspension_Search.jspx (last viewed Dec. 3, 2014).

B. The Industry-Managed DQP Program is Ineffective and Riddled with Conflicts of Interest.

Under the current regulatory framework, USDA has delegated much of the enforcement of the HPA to industry organizations that have little incentive to pursue strong enforcement. Under this system, USDA-certified Horse Industry Organizations train and license DQPs to inspect horses at shows, exhibitions, auctions, sales, and other events.⁴² When horse inspection is needed at an event, the manager of the event requests one or more DQPs from its chosen HIO; the HIO then designates DQPs for management to appoint in accordance with the HPA.⁴³ The DQPs are responsible for inspecting participating horses, and the HIOs are responsible for penalizing HPA violators.⁴⁴

As described in the original petition, and incorporated by reference herein, the current system of industry-regulated inspection and enforcement is woefully inadequate.⁴⁵ Indeed, USDA's Office of Inspector General has called attention to this troubling situation:

Concerning the treatment of show horses, we found that *APHIS' program for inspecting horses for soring is not adequate* to ensure that these animals are not being abused. At present, horse industry organizations hire their own inspectors (known as designated qualified persons (DQP)) to inspect horses at the shows they sponsor. However, we found that DQPs do not always inspect horses to effectively enforce the law and regulations, and in some cases where they do find violations, they deliberately issue tickets to friends or family members of responsible individuals so that the responsible person could avoid receiving a penalty for violating the Horse Protection Act.⁴⁶

⁴² See 9 C.F.R. § 11.7.

⁴³ See 15 U.S.C. § 1823; 9 C.F.R. 11.7.

⁴⁴ 9 C.F.R. §§ 11.21, 11.25. The Agency is also authorized to penalize HPA violators under the HPA. See 15 U.S.C. §§ 1824a(c)(2) ("The Secretary of Commerce, after providing notice and an opportunity for an agency hearing on the record, may impose a civil penalty of not to exceed \$10,000 for each violation of this section or any regulation, order, or license issued under this section, either in addition to or in lieu of any other liability or penalty which may be imposed.").

⁴⁵ See Original Petition, *supra* note 1 at 14-18, 25-28.

⁴⁶ USDA OIG Audit, *supra* note 4 at 1 (emphasis added).

The core problem with the DQP inspection program is that it relies on the industry to regulate itself, which necessarily creates conflicts of interest. As the OIG found, DQPs face a “clear conflict of interest”:

DQPs realize that by ticketing horse exhibitors, or by excluding horses from a show, they are not likely to please their employers—who are interested in putting on a profitable show. DQPs are also likely to be exhibitors themselves, and so while they may be inspecting horses at one show, they could be exhibiting horses at another. If they inspected other exhibitors’ horses rigorously, they might find their own horses subjected to much more strenuous inspections at other shows. Given the DQPs’ clear conflict of interest, we found that they did not always inspect horses according to the requirements of the Horse Protection Act.⁴⁷

The impact of these conflicts of interest includes the failure to conduct horse inspections in accordance with the law and applicable regulations, such as not observing horses in motion; not inspecting first-place horses; using improper inspection techniques, including failing to palpate horses’ pasterns and not weighing action devices; giving exhibitors “freebies,” or warnings, instead of issuing tickets for violations; and issuing tickets not to the exhibitors responsible for the abuse, but to almost anyone else, including friends, family, and even stable hands working for the exhibitors.⁴⁸ DQPs have also been known to accept bribes from exhibitors to pass a horse through inspection.⁴⁹

All of these failures lead directly to more abuse of horses. Exhibitors who are not properly ticketed face no repercussions for their illegal behavior, and are thus able to continue abusing and exhibiting their horses. Changes like mandatory minimum penalties, although laudable, are of limited value when the individuals responsible for identifying HPA violators shirk their responsibilities.

⁴⁷ *Id.* at 2, 10-11.

⁴⁸ *Id.* at 2, 10-14.

⁴⁹ See Davis Interview, *supra* note 34 at 6:05-7:07.

Notably, the most popular HIOs in the walking horse industry license and retain DQPs with HPA violation histories. And although some of those are related to improperly conducted inspections, many are related to the DQPs' soring of their *own* horses. Nearly 56% of the DQPs currently licensed through the Horse Industry Organization SHOW, Inc. have *their own* history of HPA citations and letters of warning or concern.⁵⁰ Over half of the DQPs licensed through the Heart of America Walking Horse Association HIO have a history of violations.⁵¹ And half of the DQPs licensed through the Kentucky Walking Horse Association HIO also have a history of violations.⁵²

HIOs and show management contribute to the current system's failures by pressuring DQPs to allow sore horses and their exhibitors to continue participating in shows. HIOs and show management have also been found to intentionally stir up animosity and hostility between USDA inspectors and DQPs, exhibitors, and spectators.⁵³ According to the OIG report, USDA "employees are often subjected to harassment from organizers, exhibitors, and spectators, which

⁵⁰ Of the 16 DQPs that are licensed through SHOW, Inc., the following 9 individuals have a violation history: Benton Boles, Mitchell Butler, William Davis, William Edwards, David Finger, Larry Lowman, John Paul Riner, Jim Sullivan, and Donald "DY" Young. See USDA, Horse Protection Program HIO DQP Information (Nov. 4, 2014) (hereinafter "USDA DQP Information"), attached hereto as Exhibit 12; USDA Horse Protection Program DQP Letter of Warnings-Letter of Concerns-License Cancellations (Nov. 4, 2014) (hereinafter, "USDA DQP Violations"), attached hereto as Exhibit 13; The HSUS, DQPs with Citations for HPA Violations (Nov. 4, 2014) (hereinafter "HSUS DQP Violations"), attached hereto as Exhibit 14. Curtis Pittman is listed in Exhibit 12 as also being licensed through SHOW, Inc. and has an HPA-violation history; however, according to discussions between Petitioner and USDA, Pittman is no longer licensed through SHOW, Inc.

⁵¹ Of the seventeen DQPs that are licensed through Heart of America Walking Horse Association, the following nine individuals have a violation history: Larry Brady, Jessie Davis, Mike Maack, Cary Myers, MacKenzie Shobe, Scott Skopec, Ricky Tillett, Tom Wallis, and Mark West. See USDA DQP Information, *supra* note 50; USDA DQP Violations, *supra* note 50; HSUS DQP Violations, *supra* note 50.

⁵² Of the ten DQPs licensed through the Kentucky Walking Horse Association HIO, the following five individuals have a violation history: Andy Carter, Mike Hancock, Brian Jordan, Ricky McCammon, and Donald Todd. See USDA DQP Information, *supra* note 50; USDA DQP Violations, *supra* note 50; HSUS DQP Violations, *supra* note 50.

⁵³ Based on firsthand accounts of USDA inspectors and personnel who visited horse shows, "APHIS employees are routinely escorted by police and security personnel for their own protection. During one show we attended, security personnel recommended that we have an escape plan in place in case the situation got out of hand. Based on the attitude organizers, trainers, and spectators expressed at these horse shows, it does not appear that the Horse Protection Act and its provisions against soring show horses are respected at these events. It is unreasonable to expect that DQPs—part-time employees hired by the show organizers—will be able to reliably enforce the law under conditions as hostile as these, even if they were inclined to do so." USDA OIG Audit, *supra* note 4 at 16.

can include anti-Government comments spoken over the public address system and remarks that create hostile working conditions.”⁵⁴ This hostile environment is encouraged by show managers, who have been known to give anti-USDA speeches. Based on a firsthand account by a USDA inspector, the subject of one speech included a statement “that the government was picking on the walking horse industry and that the people needed to stand up to this unjust treatment. This statement was reportedly met with cheers from the crowd.”⁵⁵

Furthermore, many HIOs—the very organizations charged with enforcing the Act—are themselves comprised of individuals who have violated the Act. For instance, SHOW, Inc.—whose acronym ironically stands for “**S**ound Horses, **H**onest Judging, **O**bjective Inspections, **W**inning Fairly”—employs a panel of 23 “AAAA-rated” judges, which includes 13 individuals with known HPA-violation histories, totaling over 63 citations among them.⁵⁶ And, as mentioned in the original petition, SHOW, Inc. has a history of hiring committee members with recent HPA violations, including a number of individuals on its Sound Horse Task Force with three or more suspensions for scar rule violations and unilateral sore violations.⁵⁷ The result is HPA-enforcement entities with no incentive to enforce.

Rather than providing an effective enforcement and deterrent mechanism, the industry has attempted to cover up the problems associated with self-regulation. Presumably in response to growing public concern over abuse throughout the industry, in 2014 the Tennessee Walking Horse National Celebration (“TWHNC”) announced the appointment of a three-member veterinary advisory committee (“VAC”) to be “in charge of rules and regulations pertaining to

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See SHOW Judges List, <http://www.showhio.com/judges.html> (last visited Feb. 18, 2015); See also The HSUS, SHOW Inc.’s 2014 AAAA-Rated Judges with HPA Violations (last edited Dec. 1, 2014), attached hereto as Exhibit 15.

⁵⁷ Original Petition, *supra* note 1 at 17; Exhibit G to the Original Petition (Declaration of Lori Northrup).

the safety and well-being of one of the most important equine breeds, the Tennessee Walking Horse.”⁵⁸ The VAC provided recommendations, principally targeting the manner in which inspections are conducted, for the TWHNC to implement during the 2014 season.⁵⁹ The VAC was then supposed to retain licensed veterinarians to conduct and report findings of independent inspections.⁶⁰

Shockingly, not all of the VAC members were required to be present at the Celebration to be available to provide direct oversight.⁶¹ Nevertheless, the VAC purported to provide “direct supervision and guidance” over the inspections.⁶² Yet it is clear that whatever the VAC did, it did not intend to conduct or ensure appropriate enforcement of the HPA. The disparity between the VAC’s and USDA’s inspection methods resulted in very different findings of violations at

⁵⁸ Press Release, Tenn. Walking Horse Nat’l Celebration, Tennessee Walking Horse National Celebration Announces Veterinary Advisory Committee (July 22, 2014), *available at* <http://www.celebrationvac.com/press-release.html>. Notably, one of the three purported “members” of the VAC never even agreed to join the committee. See Paul C. Barton, *Claims on Walking Horse Panel’s Website Draw Fire*, The Tennessean, Sept. 1, 2014, *available at* <http://www.tennessean.com/story/news/2014/09/01/claims-vet-panels-website-draw-fire/14947011/> (describing that Dr. Dallas O. Goble conveyed to the lead veterinarian of the VAC that he was unwilling to participate on the VAC).

⁵⁹ See Jerry H. Johnson *et al.*, Tenn. Walking Horse Nat’l Celebration Veterinary Advisory Comm., Recommendations of the Veterinary Advisory Comm. (July 18, 2014), *available at* <http://www.celebrationvac.com/committee-recommendations.html> (hereinafter “VAC Recommendations”). These recommendations include a zero tolerance for numbing or blocking of tails, soring agents, needles, drugs and drug paraphernalia, caustic and numbing agents, pressure shoeing, heel springs and other foreign objects, the possession or administration of medications without prior consent from the show veterinarian, and the failure to comply with all rules and regulations. Among other items, the recommendations also call for a prohibition on all actions or training techniques that could cause a horse to suffer pain, distress, inflammation, or lameness; the appointment of a “non-conflicted, non-biased” show veterinarian to carry out the VAC recommendations and duties; the use of blood testing as deemed necessary and digital x-rays of both front feet, dorsal ventral, straight lateral, as well as any other views deemed necessary, for each show horse; and the publication of all proven violations. *Id.*

⁶⁰ These inspections were to be conducted independent of those carried out by DQP and VMO personnel. See Jason Reynolds, *Vet Group Talks Inspections*, Shelbyville Times-Gazette, Aug. 21, 2014, *available at* <http://www.t-g.com/story/2111507.html> (summarizing statement from VAC spokesperson Tom Blankenship that “[t]he group is not affiliated with SHOW or the USDA inspectors. . . . The Celebration paid an unspecified amount of money to establish the VAC but made the group an independent body”).

⁶¹ See VAC Recommendations, *supra* note 59.

⁶² See Tenn. Walking Horse Nat’l Celebration Veterinary Advisory Comm., Initial Report from the Veterinary Advisory Comm. on Implementation of Recommendations at the 2014 Tenn. Walking Horse Nat’l Celebration, Sept. 15, 2014, at 3, *available at* <http://www.twhbea.com/14PDFs/Initial%20VAC%20Report.pdf> (hereinafter “VAC Initial Report”) (providing an overview of “the actions taken by the VAC and its staff at the 2014 Celebration”). See also Reynolds, *supra* note 60 (“VAC veterinarians and assistants will conduct objective and scientific tests to determine whether masking agents have been used to affect either a horse’s performance or the inspection of the horse”). Unsurprisingly, the VAC’s spokesperson did not respond to requests for comments regarding the lack of attendance by the committee members at the 2014 Celebration. See Barton, *supra* note 58.

the 2014 Celebration. The VAC inspection protocol focused solely on detecting masking agents (via blood testing) and pressure shoeing (via digital radiography and the removal of a small unrepresentative number of stacks and shoes).⁶³ In its initial report, the VAC detected “no pressure shoeing or evidence of impropriety, foreign object or other issues” from digital x-ray testing, and concluded that shoe removal examinations “did not disclose any irregularities.”⁶⁴ In contrast, the Agency discovered numerous HPA violations at the 2014 Celebration, reporting a 20% violation rate, including prohibited shoeing tactics that the VAC purported to inspect but which it failed to detect and/or report.⁶⁵ Moreover, the VAC’s blood tests detected that only 16% of randomly selected horses tested positive for foreign substances.⁶⁶ In contrast, USDA’s blood test results show that 52% of randomly selected horses tested positive for foreign substances.⁶⁷

There is also a notable disparity between inspections conducted by the Agency versus those conducted by HIO-regulated DQPs. Indeed, of the 219 HPA violations discovered at the 2014 Celebration, the Agency’s Veterinary Medical Officers discovered 199 of them, compared to a mere 20 reported by industry DQPs.⁶⁸ Such discrepancies are par for the course. At the 2012 Celebration, USDA found foreign substance violations in 76% of the samples tested (145 of 190) while the DQPs reported only *two* such violations.⁶⁹ And at the 2011 Celebration, 97%

⁶³ See generally VAC Recommendations, *supra* note 59.

⁶⁴ VAC Initial Report, *supra* note 62 at 8.

⁶⁵ *Id.* See also USDA, Horse Protection Activity Report, *supra* note 17.

⁶⁶ See VAC, *Violations of Prohibited Substances* (last visited Feb. 18, 2015), <http://www.celebrationvac.com/prohibited-substance-results.htm>. The VAC drew blood from 407 horses and sent 230 samples to the laboratory for testing. See Release, VAC, Veterinarian Advisory Committee Releases Results (Dec. 19, 2014), <http://www.celebrationvac.com/vac-report.htm>.

⁶⁷ USDA 2014 Foreign Substance Report, *supra* note 19.

⁶⁸ See USDA, Horse Protection Activity Report, *supra* note 17.

⁶⁹ See Press Release, The HSUS, USDA Indicates 76 Percent of Horses Tested at 2012 Walking Horse Celebration Found Positive for Foreign Substances, May 9, 2013, *available at* http://www.humanesociety.org/news/press_releases/2013/05/TWH_USDA_tests_050913.html; *see also* USDA, 2012 Foreign Substance Results at 7-8, *available at* http://www.aphis.usda.gov/animal_welfare/hp/downloads/show%20tally%202012%20for%20web.pdf.

(101 of 104) of the horses randomly selected by USDA tested positive for foreign substances; SHOW, Inc.’s President nevertheless boasted the exact opposite that “[a]t The Celebration in 2011, the World Championship Horse Show, the compliance rate was over 98%.”⁷⁰

The conflicts of interest inherent in the current system prevent proper implementation and enforcement of the HPA. The best solution to that problem is the abolishment of the system of self-regulation in favor of one in which USDA retains direct control over inspectors. Indeed, this is the solution the OIG recommends.⁷¹

C. Current Regulations Authorize the Use of Techniques and Devices which Perpetuate the Practice of Soring.

As discussed in the original petition, the current HPA regulations fail to prevent, and in some instances fail to prohibit, the many inhumane and abusive soring tactics and devices. Although some of those practices might be innocuous when used independently, they become grossly inhumane when used in conjunction with other soring techniques.⁷² The current regulations generally prohibit the use of most action devices as well as “any other device, method, practice, or substance . . . if such use causes or can reasonably be expected to cause such horse to be sore.”⁷³ The regulations also prohibit the use of specific types of chains, boots, collars; other devices weighing more than 6 ounces; more than one action device on any horse’s limb; and pads that are not made of pliant materials.⁷⁴ But the regulations stop short of prohibiting the use of all action devices, instead allowing, *inter alia*, devices such as bead,

⁷⁰ Dr. Steve Mullins, *Walking Horse Industry Responds to Critical Article*, Shelbyville Times-Gazette, March 1, 2012, available at <http://www.t-g.com/story/1821185.html>.

⁷¹ See USDA OIG Audit, *supra* note 4 at 14-17 (“To develop a more effective inspection system, we recommend that APHIS abolish the DQP system and institute a system based on inspections by veterinarians independent of the horse industry.”)

⁷² Original Petition, *supra* note 1 at 11-14.

⁷³ “Action device” is defined as “any boot, collar, chain, roller, or other device which encircles or is placed upon the lower extremity of the leg of a horse in such a manner that it can either rotate around the leg, or slide up and down the leg so as to cause friction, or which can strike the hoof, coronet band or fetlock joint.” 9 C.F.R. § 11.1. See also *id.* at § 11.2(a).

⁷⁴ *Id.* § 11.2(b).

bangles, rollers, and chains that weigh less than 6 ounces. And experience has shown that a limited ban on action devices is no ban at all, especially when trainers continue to use other sanctioned devices.⁷⁵

Equine lameness expert Dr. Tracy Turner, who the Agency commissioned to provide research and guidance on soring, has stated that sanctioned devices such as chains, pads, and hoof bands are commonly used to cause debilitating pain and suffering in walking horses.⁷⁶ Walking horse trainers typically utilize sanctioned action devices in conjunction with soring techniques, such as chemical burns, so that devices exacerbate existing soring-related pain when rubbing or banging against inflamed areas on the horse's leg or pastern. One study found that the use of chains weighing less than six ounces—which are currently permitted by the Agency—makes no discernable difference in the horse's gait on its own.⁷⁷ Therefore, exhibitors whose horses perform a “big lick” gait with approved, lighter chains are very likely using foreign substances, heavier chains, or other inconspicuous soring techniques on the horse during training, which cause pain and force the horse to react with a higher step. They may then substitute lighter chains in the show ring to trigger a conditioned response to the practices utilized during the training process. As Agency-commissioned researchers have observed, “[i]n

⁷⁵Original Petition, *supra* note 1 at 11-12.

⁷⁶ See Tracy Turner, DVM, MS, Use of Imaging to Aid the Enforcement of the Horse Protection Act at 37:56-39:10; 45:33-46:09; 48:14-48:46 (Jan. 17, 2014), available at http://www.aphis.usda.gov/animal_welfare/hp/downloads/video/2014-01-17%20USDA%20Horse%20Protection%20Technology%20%20Public%20Webinar.wmv (hereinafter “Tracy Turner Presentation”) (discussing that pads create pain and inflammation without the use of chemicals; hoof bands can be tightened around sensitive areas to cause pain; and chains are widely referred to as “pain enhancers” for horses).

⁷⁷ Dr. Molly C. Nicodemus, *Gait Analysis: Opening Doors to Understanding the Gaited Horse* at 23 (2000), available at <http://www.soundhorseconference.com/pdf/Nicodemus.pdf> (“Use of heavy weights (10 oz or 283 g) pastern chain weights significantly increased stride duration at the walk, but lower weights or pastern straps did not.”)

reality, the ‘Big Lick’ should be called the ‘Sore Lick’ because it is performed by a horse which, by all diagnostic criteria, is unsound and unfit to show.”⁷⁸

Moreover, it is common knowledge that trainers use heavier action devices (and often multiple devices), along with chemical soring, during training both to increase sensitivity and to condition the horses to respond to such devices. The trainers then “comply” with the regulatory requirements in the show ring by using light-weight devices.⁷⁹ Having suffered through the pain of training with sore limbs and heavy devices, the horses perform their conditioned response—a high-stepping gait—even with the lighter chains.

The regulations’ exception for devices under six ounces is the result of reliance on the “Auburn Study,” which researched the effects of chemical irritants used in conjunction with action devices in the late 1970s and early 1980s.⁸⁰ The study showed that chemical soring used in conjunction with chains caused extreme damage to horses.⁸¹ The study also showed that chains weighing at least 10 ounces caused pain and lesions even without the use of chemicals.⁸² It also concluded that chains weighing less than 6 ounces caused no detectible pain or tissue damage *in the absence of soring from chemicals*, with the exception of “some loss of hair from 6

⁷⁸ H.A. Nelson, D.V.M., & D.L. Osheim, B.A., on behalf of APHIS, *Soring in Tennessee Walking Horses: Detection by Thermography* 1 (August 1975) (hereinafter “Ames Study”), attached hereto as Exhibit 16. The Ames Study determined, based on trials with two different sets of horses equipped with various action devices and treated with soring chemicals, that the use of stacked pads and long hooves contributes to pain that induces the “big lick” gait, *id.* at 1, that horses with preexisting protrusions, such as old scars, tend to develop inflammation and pain before other horses with normal tissue, *id.* at 9, and that the use of heavy chains did not always produce visible external lesions, but that there was visible inflammation, indicative of pain, through thermography imaging, *id.* at 10.

⁷⁹ See The HSUS, Investigative Report (2012), available at http://www.humanesociety.org/assets/pdfs/horse/mcconnell_twh_invest_report.pdf (describing behind-the-scenes soring tactics in walking horse trainer Jackie McConnell’s barn, including the use of caustic chemicals and heavy chains).

⁸⁰ See Letter from Dr. Ram C. Purohit, Associate Professor, Auburn University, to the United States Department of Agriculture (date unknown) (summarizing research from Sept. 1978-Dec. 1982 on Thermography in Diagnosis of Inflammatory Processes in Horses in Response to Various Chemical and Physical Factors) (hereinafter “Auburn Study”) attached hereto as Exhibit 17.

⁸¹ See *id.* at 5-6.

⁸² See *id.* at 4-5.

oz. chains in the pastern areas.”⁸³ USDA relied on the study to draw the current delineation between devices based on their weight.⁸⁴

Unsurprisingly, when the Auburn Study was first published, the walking horse industry vehemently opposed the Agency’s reliance on it in amending its regulation of action devices, asserting, among other ludicrous statements, that taking away chains from horses would be like “taking away high heels from women.”⁸⁵ The industry has recently changed its tune, however, inaccurately touting the Auburn Study as evidence that the action devices allowed under the current regulations are harmless.⁸⁶ In fact, the Auburn Study found that the use of lightweight chains without chemical agents did cause hair loss and inflammation to the horse’s pasterns even without underlying soring.⁸⁷

Another practice that is *specifically allowed* by the current regulations is the use of pads, which are typically attached in stacks to a horse’s hooves.⁸⁸ While limited, judicious use of pads (as recommended by a veterinarian) can have a therapeutic purpose for horses with hoof injuries or imbalances, most walking horse trainers and exhibitors use tall stacks of pads to assist in various brutal soring techniques. Pads are used in “pressure shoeing,” which involves cutting or grinding the hooves excessively close to the quick (often until they bleed), which causes extreme sensitivity, and then inserting hard objects (such as tacks, screws, or hardened acrylic) between

⁸³ See *id.* at 9.

⁸⁴ See *Am. Horse Protection Ass’n, Inc. v. Lyng*, 681 F. Supp. 949, 958 (D.D.C. 1988) (ordering USDA to promulgate regulations conforming to the requirements of the Horse Protection Act in accordance with the Auburn Study’s findings regarding the use of heavy chains on walking horses).

⁸⁵ See Paul C. Barton, *Horse Study Once Blasted by Industry Now Trumpeted*, The Tennessean (Aug. 30, 2014), available at <http://www.tennessean.com/story/news/local/2014/08/30/horse-study-blasted-industry-now-trumpeted/14863175/>.

⁸⁶ See *Id.*; see also Tennessee Walking Horse Breeders and Exhibitors Association, *Facing the Future With Pride 2* available at <http://www.twhbea.com/pdf/FacingTheFutureWithPride.pdf> (“An in-depth study conducted by Auburn University found that the pads and action devices, when used according to regulation, cause no ill effects to the horses that wear them.”) Note that the Auburn Study did not research or mention the use of pads at all, and that the Study concluded that action devices, even if worn “according to regulation,” did cause ill effects in the form of hair loss. See Auburn Study, *supra* note 80 at 9.

⁸⁷ See *id.* at 9, 12.

⁸⁸ USDA specifically allows the use of pliant pads on adult horses. See 9 C.F.R. § 11.2(8), (12).

the tender hoof sole and the pad and/or tightening the hoof band over the sensitive hoof, causing unbearable pain every time the horse places weight on its forelegs.⁸⁹ Although USDA prohibits the insertion of material “other than acceptable hoof packing” between the pad and the hoof, this has not deterred HPA violators, since they are able to use the pads to conceal their use of illegal material.⁹⁰

Dr. Turner has explained that it has become nearly impossible to detect signs of pressure shoeing without either the use of radiography, which reveals an image of the inside of the hoof and the hoof package, or, in the alternative, the removal of the entire performance package from the hoof to inspect for foreign objects.⁹¹ Dr. Turner also stated that the effective detection of an over-trimmed hoof, which is typically used in pressure shoeing, requires radiographic imaging, given the widespread concealment of soring technique, such as through the use of putty and hoof paint.⁹²

In addition, the use of stacked pads on a horse’s front hooves causes the horse to stand at an unnatural angle, like “a woman wearing high heels . . . if you nail the heel to her feet then refuse to allow her to sit or lie down for more than a few minutes of time . . . for years . . . while

⁸⁹ See Eric Gray, Farrier, *A Farrier’s Tale, the Nuts and Bolts of Pressure Shoeing*, Jan. 9, 2014, available at <http://www.billygoboy.com/2014/01/09/a-farriers-tale-by-eric-gray-another-compelling-confessional-regarding-the-sore-big-lick-graphically-explains-the-nuts-and-bolts-of-pressure-shoeing/>; see also Vickie Marie Hollingsworth, *Big Lick Tennessee Walking Horses: The Greatest Freak Show on Earth*, available at <http://hphoofcare.com/lick.html> (last visited Feb. 18, 2015).

⁹⁰ See *id.* (“Today’s pressure shoeing has developed in sophistication and is very hard to distinguish from improper trimming or improper use of what should be therapeutic hoof packings. . . . Although at shows inspectors do have the right to ask that shoes be pulled from horses that they suspect are pressure shod, once the clinches are tightened and the horse has been ridden for a few minutes that packing material changes shape sufficiently to look legitimate to vets and farriers who don’t know the rest of the story. Even when an inspector does recognize the problem how does he prove that this hardened dome at the toe was intentional pressure shoeing rather than an honest mistake?”).

⁹¹ The use of both thermography and radiography imaging is currently essential to detect soring tactics due to covert techniques used throughout the industry. However, these technologies are expensive to obtain and require extensive training. Further, these testing methods are only available at the small handful of events attended by USDA veterinarians. See Tracy Turner Presentation, *supra* note 76 at 8:50-25:22; 40:57 (discussing essential nature of thermography and radiography to detect soring tactics; indicating that the equipment is currently only used at USDA-attended shows). If the Agency implements Petitioner’s request to expressly prohibit all pads without exception, covert soring techniques would be prevented and the critical need for thermography and radiography imaging greatly diminished.

⁹² *Id.*

she is forced to go running four or five days a week. . . carrying twenty percent of her body weight on her back.”⁹³ Stacked pads can cause chronic pain whenever the horse stands on its front feet, thus forcing the horse to step higher in an attempt to take weight off its front feet while walking. The use of these pads elevates or changes the angle at which the horse’s hooves touch the ground, and research shows that these various angles have a “significant association between . . . certain lesions or injuries” and other types of lameness.⁹⁴ The elevated angle created by stacked pads can cause an imbalance in the hoof and rotation of the coffin bone, which have sadly become common problems among walking horse breeds that are subject to the use of pads and show shoes.⁹⁵ The use of stacked pads also poses a significant risk of ripping off part or all of a horse’s hoof in the event that the horse inadvertently tears off its shoe.⁹⁶ Such injuries to a horse’s hoof and coffin bone typically result in laminitis, which causes severe pain and potentially requires euthanasia.⁹⁷

⁹³ Pamela Reband, MD, Member, TWHBEA Board of Directors and former Vice President, former Member, National Walking Horse Association Board of Directors and recipient of NWHHA Phoenix Award, former President, Kentucky Stallion Owners Association, letter to Representative Ed Whitfield (December 22, 2013), attached hereto as Exhibit 18.

⁹⁴ Christa Lesté-Lasserre, Hoof Angles' Impact on Lameness Examined (Mar. 6, 2013), *available at* <http://www.thehorse.com/articles/31468/hoof-angles-impact-on-lameness-examined>.

⁹⁵ See Niel Valk, DVM, DACVS, Remarks at the Sound Horse Conference 5-6 (March 29, 2014) (transcript available at <http://www.soundhorseconference.com/2014/Neal%20Valk.doc>) (discussing connection between stacked pads and rotation of the coffin bone, producing laminitis). See also Tracy Turner Presentation, *supra* note 76 at 31:30-32:10 (the Tennessee Walking Horse has the most imbalanced hooves and feet compared to other breeds who have never been shod with pads or show shoes).

⁹⁶ HorseFund.org, Frequently Asked Questions, <http://www.horsefund.org/horse-soring-faq.php> (last visited Feb. 18, 2015) (hereinafter “HorseFund FAQ”) (“It is also dangerous if a horse wearing stacks tears off a shoe, as the stack will come off and the band may rip into the hoof and tear off a good part of the hoof wall.”). See also Alexandra Kleinkopf, Taking Action For Animals, *Creature Feature: Sore Trick Pony* 3 (July 2008), *available at* http://www.animalsheltering.org/resources/magazine/jul_aug_2008/creature_feature_sore_trick_pony.pdf (the use of stacks causes a horse’s “joints to bend at unnatural angles, [] resulting in pain, lameness, and disfiguration. Heavy weights are added to these stacks, sometimes causing part of the hoof to tear off”).

⁹⁷ See Nathaniel A White II DVM MS, DACVS, *Equine Laminitis* 6, 11 (Sept. 2005), *available at* https://www.vetmed.vt.edu/emc/welcome/bios/white/equine_laminitis.pdf (discussing the connection between laminitis and changes in the coffin bone). See also U.S. Patent No. 5,891,472 (filed Nov. 19, 1996) (describing the background of equine laminitis and the need for intervention treatment, “[i]f the animal does not recover, after the onset of lameness, the laminae deteriorate, the animal's feet are extremely painful, and the coffin bone becomes displaced”).

Similarly, trainers often add weighted shoes to a horse's feet to increase the animation of the gait by causing a hyper-extension of the foot while walking. A recent study determined that adding these weights causes excessive stretching of the muscles and tendons, which leads to a much higher risk of injury to the horse.⁹⁸

The use of these action devices and techniques to perpetuate soring persists because the regulations permit their use. Indeed, according to walking horse trainer Barney Davis, who pleaded guilty in November 2011 to various violations of the Horse Protection Act, "the only way you are going to get the soring stopped is to get the pads and the chain. That's the only way. . . . They've got to have the pads and the chain to do the soring."⁹⁹ The use of these devices on walking horses causes or can reasonably be expected to cause the horse to be sore. USDA has an obligation to effectuate the humane purposes of the Act, yet current regulations allow the ongoing use of cruel devices and techniques that perpetuate soring.¹⁰⁰

Accordingly, as specified in the attached proposed regulations and below, Petitioner requests that, with respect to the three named walking horse breeds, the Agency promulgate regulations to prohibit the use of any action device or pad.

In addition, the current regulatory definition of "action device" includes devices that "can strike the hoof, coronet band, or fetlock joint," but does not specifically mention the pastern. Trainers often utilize action devices that strike a horse's pastern (the most common site for soring), causing the horse severe pain. For that reason, Petitioner recommends the addition of "pastern" to the definition of action device.

⁹⁸ See Wickler, Steven J., *et al.*, *The Energetic and Kinematic Consequences of Weighting the Distal Limb*, 36(8) EQUINE VETERINARY J., 727-777, 776 (Dec. 2004).

⁹⁹ See Davis Interview, *supra* note 34 at 5:47-5:55.

¹⁰⁰ For additional discussion of the scientific justification for a regulatory ban on action devices and performance packages, see Exhibit 19.

D. Stronger Enforcement is Necessary to Deter HPA Violations.

Significant and consistently-enforced penalties are necessary to deter violations of the HPA. Although the recently adopted minimum penalty structure is a step in the right direction, true deterrence will not occur while the industry regulates itself.¹⁰¹ Adopting Petitioner's recommendation that the Agency abolish the HIO-enforcement scheme in favor of an Agency-overseen system will go a long way towards accomplishing the Act's goals. Further, by adopting Petitioner's request, already-scarce USDA resources would no longer be spent on monitoring the same group of flagrant offenders time and time again.

Also important, however, is the deterrent effect of the penalties imposed by the Agency. The preceding discussion has evidenced the extraordinarily high recidivism rates among HPA offenders. Nearly all of the top winners in walking horse shows and events have repeatedly violated the Act. And not only are they able to continuously flout the law, the industry rewards them for doing so. To combat the perverse incentives created by the industry, the Agency should make clear that it will impose lengthy (including lifetime) disqualifications for repeat offenders. The Agency should also express its willingness to exercise its discretionary authority to disqualify sore horses from being shown in subsequent shows.¹⁰²

¹⁰¹ See Original Petition, *supra* note 1 at 21-23. As discussed, following the original petition, USDA promulgated a regulation mandating that HIOs impose minimum penalties for HPA violations, including suspension periods varying from 14 days to 2 years, depending on the type and frequency of violation. See 9 C.F.R. § 11.25(b)-(c).

¹⁰² USDA included in its 2007-2009 operating plan for implementation and enforcement of the HPA that "HIOs have elected to voluntarily suspend the horse involved if the owner of the horse is determined to have allowed an activity in violation of the Act" for set periods of time beyond the show at which the violation was cited. USDA, Horse Protection Operating Plan 2007-2009 at 27, 29, 30 (Feb. 15, 2007), *available at* http://www.aphis.usda.gov/animal_welfare/hp/downloads/hp_2007-09_op.pdf ("[T]he horse shall be suspended for a period of eight (8) months for a pressure shoeing violation and three (3) months for a bilateral sore violation."). Given the overall failure of HIO enforcement, it comes as no surprise that the suspension plan for sore horses was ineffective. However, under Agency supervision and implementation, a system of extended suspensions for future periods would be successful at deterring HPA violations and providing sore horses a period of necessary rehabilitation and reprieve.

E. There is Tremendous Public Support for Reform.

Legislation to overhaul the existing HPA-enforcement scheme was pending before Congress last term, but despite broad, bipartisan support (the legislation had 60 Senate cosponsors and 308 House cosponsors) it was not brought to a vote.¹⁰³ The legislation, titled the Prevent All Soring Tactics (“PAST”) Act, S. 1406/H.R. 1518, 113th Cong. (2013), would amend the HPA to abolish the failed system of industry self-policing, ban the use of devices implicated in the practice of soring, strengthen penalties, and require other reforms needed to finally end the abuse of walking horses. As detailed in this Supplemental Petition, however, the Agency already has the authority to accomplish many of the PAST Act’s goals through regulations under the HPA. And there is significant public support for doing so.

According to a December 2012 poll conducted by Mason-Dixon Polling & Research in Tennessee and Kentucky, the two states in which horse soring is most prevalent, 75% of Tennessee voters and 69% of Kentucky voters support the PAST Act.¹⁰⁴ In contrast, only 14% of voters in Tennessee and 19% of voters in Kentucky oppose the PAST Act.¹⁰⁵ During a congressional hearing for the PAST Act, several renowned organizations spoke in favor of the Act, including the American Horse Council, the American Veterinary Medical Association, Friends of Sound Horses, and the International Walking Horse Association.¹⁰⁶ And many others have publicly endorsed the PAST Act, including 65 independent horse associations, 78 veterinary and animal health associations and experts, including state veterinary groups in all 50

¹⁰³ See The HSUS, *Cosponsors for the Prevent All Soring Tactics (PAST) Act of 2013, H.R. 1518 / S. 1406* (Dec. 2, 2014), available at <http://www.humanesociety.org/past-cosponsors>. Overall, the PAST Act’s House cosponsors included 118 Republicans and 190 Democrats, while the Act’s Senate cosponsors included 10 Republicans, 48 Democrats, and 2 Independents. *Id.*

¹⁰⁴ See Press Release, The HSUS, *New Poll Shows Voters in Tennessee and Kentucky Overwhelmingly Support Bill to Strengthen the Horse Protection Act* (Dec. 12, 2012) (hereinafter “PAST Act Poll”), attached hereto as Exhibit 20.

¹⁰⁵ *Id.*

¹⁰⁶ See *Concerning the Prevent All Soring Tactics Act: Hearing on H.R. 1518 Before the H. Subcomm. on Commerce, Manufacturing, and Trade of the Comm. on Energy and Commerce*, 113th Cong. (2013), available at <http://energycommerce.house.gov/hearing/legislative-hearing-hr-1518-bill-amend-horse-protection-act>.

states, 25 celebrities, 29 animal protection organizations, 60 horse-industry professionals, the Association of Prosecuting Attorneys, the National Sheriffs' Association, and 11 county sheriffs from Kentucky.¹⁰⁷

Indeed, since the original petition was filed, the public outcry over the abuse of walking horses has increased dramatically. A recent petition to end “big lick” performances at the North Carolina State Fair has garnered over 19,000 signatures from individuals throughout the United States who are against the abuse of walking horses.¹⁰⁸ The December 2012 PAST Act poll also showed that Tennessee and Kentucky voters, by about a 3-to-1 margin, would avoid buying from companies that provided financial sponsorship to horse shows that promote “big lick” horses.¹⁰⁹ Further, by a more than 2-to-1 margin, voters in both states said they would avoid attending a competition where they knew horses would be wearing chains and tall, heavy stacks of pads.¹¹⁰

VI. REQUESTED ACTIONS

The plain language of the HPA directs the Secretary to prescribe regulations to carry out the purposes of the Act.¹¹¹ USDA's heavy delegation of HPA oversight to the walking horse industry allows illegal soring to permeate the industry. To effectively abolish soring, as intended by the HPA, USDA should utilize its statutory authority to undertake the reforms detailed in this petition. USDA has demonstrated its understanding that change is needed. It has adopted a mandatory-minimum penalty structure, attempted to decertify non-compliant HIOs, and

¹⁰⁷ See The HSUS, *Endorsements for the Prevent All Soring Tactics (PAST) Act* (Dec. 2, 2014), available at <http://www.humanesociety.org/past-endorsements>.

¹⁰⁸ See Cancel Tennessee Walking Horse Performance Classes at the North Carolina State Fair, <https://www.change.org/p/wesley-wyatt-cancel-tennessee-walking-horse-performance-classes-at-the-nc-state-fair> (last visited Feb. 18, 2015).

¹⁰⁹ See PAST Act Poll, *supra* note 104.

¹¹⁰ *Id.*

¹¹¹ 15 U.S.C. § 1828; *see also id.* § 1822(5) (“Congress finds and declares that . . . regulation under this chapter by the Secretary is appropriate to prevent and eliminate burdens upon commerce and to effectively regulate commerce.”); *id.* § 1824(7) (making unlawful the showing, exhibition, sale and offer for sale of horses sored by equipment, devices, paraphernalia or substances prohibited by regulations promulgated by the Secretary).

undertaken other laudable efforts, but these have not proven sufficient to overcome the entrenched and abusive practices of those who profit from soring. Petitioner respectfully requests that USDA make the following modifications to the HPA regulations to ensure effective implementation and enforcement of the Act.

A. Abolish the Self-Regulated DQP Program and Transfer Responsibility of Inspection and Enforcement to USDA.

The HPA requires the Secretary to prescribe by regulation “requirements for the appointment” at horse shows “of persons qualified to detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing” the HPA.¹¹² USDA has delegated the selection, training, and oversight of such inspectors to the industry itself, via the current DQP system.¹¹³ Although the Act “does not prescribe the creation of [Horse Industry Organizations,] the Department decided to create them as DQP licensing authorities to further industry self-regulation toward the goal of eliminating the cruel and inhumane practice of soring.”¹¹⁴ As discussed, however, the Department-created system of self-regulation is failing the horses that the HPA is meant to protect. The Agency should exercise its authority to “carry out the provisions” of the HPA by abolishing the current DQP system and replacing it with an Agency-centered system.¹¹⁵

Petitioner adopts, with minor modifications, the regulatory proposal to amend 9 C.F.R. § 11.7 that the American Horse Protection Association submitted to USDA on December 17, 2013. Petitioner’s proposal, which is set forth in the attached Exhibit 1, abolishes the current DQP system, which is implemented by private Horse Industry Organizations, in favor of a system in which the Agency licenses, trains, designates, and supervises inspectors, with a preference for

¹¹² *Id.* § 1823(c).

¹¹³ *See* 9 C.F.R. § 11.7.

¹¹⁴ Final Rule Requiring Minimum Penalties, 77 Fed. Reg. 33,610 (June 7, 2012) (codified at 9 C.F.R. § 11.25).

¹¹⁵ 18 U.S.C. § 1828.

inspectors who are licensed or accredited veterinarians.¹¹⁶ Under the new system, show management will continue to appoint and pay inspectors for horse shows and other events; however, upon request by show management, the Agency, rather than the HIO, will designate the inspectors who are available for appointment for each given event. Inspectors must also report violations directly to the Agency in addition to show management.

The Agency will be required to maintain a current list of HPA violations and all current disqualification periods for both exhibitors and horses on its website, which show management will be expected to consult prior to each event. Show management will also be charged with complying with, and adhering to, penalties for these violations consistently at each event. The proposal also includes a strict prohibition on the licensing or relicensing of inspectors who have conflicts of interest. Moreover, inspectors who labor under any potential conflict of interest are prohibited from conducting inspections. Finally, the proposed regulations afford the Agency substantial authority to revoke an inspector's license for failing to perform in accordance with the Agency's standards.

By licensing, training, designating, and overseeing inspectors, USDA will be able to ensure that they are not plagued by conflicts of interest. USDA will also have ready access to violations records so that it can enforce penalties and disqualifications uniformly throughout the industry. Petitioner's proposal will aid the Agency in identifying inspectors with conflicts of interest, and removing those inspectors from the pool of qualified inspectors.

The abolishment of the current DQP system is wholly within USDA's authority under the HPA. The Act provides that:

¹¹⁶ Petitioner suggests the following modifications to the AHPA regulation: a provision that prohibits the Agency from renewing the license of any inspector who exhibits a specified conflict of interest; a statement indicating that the Agency may issue a license to an inspector candidate only if the requirements of the section are met; and provisions on requiring the Agency to publish violations and requiring show management throughout the industry to uniformly carry out all penalties and disqualifications.

The Secretary shall prescribe by regulation requirements for the appointment by the management of any horse show, horse exhibition, or horse sale or auction of persons qualified to detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing this chapter. Such requirements shall prohibit the appointment of persons who, after notice and opportunity for a hearing, have been disqualified by the Secretary to make such detection, diagnosis, or inspection.¹¹⁷

Congress intended that the Agency's resulting regulations might include:

provisions prescribing the minimum qualifications and certification of non-professional persons having the responsibility for conducting inspection as well as for the accreditation requirements of professionals having inspection responsibilities. In addition, these regulations may prescribe the conditions to assure the independence of the judgment of persons hired to conduct inspections in carrying out their responsibilities. The regulations may also include requirements that management have the responsibility to provide such inspectors with information and instruction to assist them in carrying out their responsibilities. Such regulations may require these inspectors to establish and maintain records of horses that they have disqualified or excused and to provide such records and other information to the Secretary.¹¹⁸

This authorization "carr[ies] with it the authority to regulate matters such as who may be appointed as [an inspector], what those persons must do to be appointed, and how management can go about appointing them."¹¹⁹

Petitioner's proposed regulations would fulfill the HPA's mandate that show management appoint inspectors and that disqualified inspectors shall not be appointed. Under the current DQP scheme, show managers contact their HIO of choice to request inspectors for an event. The HIO, which is the private entity empowered by current USDA regulations to license and oversee DQPs, supplies an available DQP to the manager, who then appoints the DQP for the event. The proposed inspection system would simply place the Agency in the HIO's current

¹¹⁷ 15 U.S.C. § 1823(c) (emphasis added).

¹¹⁸ H.R. Rep. 94-1174, at 7-8 (1976), *reprinted in* 1976 U.S.C.C.A.N. 1696, 1702-03.

¹¹⁹ *SHOW v. USDA* Order, *supra* note 13 at 17.

position, so that the Agency would license inspectors and, upon request by show management, designate available inspectors. Further, the proposed regulations have in place a system for the Secretary to disqualify inspectors, which prevents show management from appointing those inspectors.

The proposed regulations also fulfill each of Congress' express intentions for the Agency's regulations. The proposed rules sets forth the minimum requirements for inspector qualification, certification, and accreditation; conditions to assure the independence of inspectors; requirements that management provide information to assist inspectors in conducting their duties and instructions for conducting inspections; and provisions for the maintenance and availability of disqualification and violation records.

Placing the Agency as supervisor over all inspectors will eliminate the problems inherent in the current DQP system, leading to more effective inspection and enforcement as required by the HPA. This new inspection system will go a long way toward accomplishing Congress' goal of preventing the ongoing inhumane treatment and abuse of horses in the walking horse industry.¹²⁰

B. Prohibit All Action Devices and Ban Additional Soring Techniques.

HPA regulations generally prohibit the use of certain "action devices" used to artificially and painfully accentuate gait. The regulations define "action devices" as any "boot, collar, chain, roller, or other device which encircles or is placed upon the lower extremity of the leg of a horse in such a manner that it can either rotate around the leg, or slide up and down the leg so as to cause friction, or which can strike the hoof, coronet band or fetlock joint."¹²¹ Practices

¹²⁰ H.R. Rep. No. 91-1597 (1970), *reprinted in* 1970 U.S.C.C.A.N. 4870, 4871 (the goal of the HPA is "to end the inhumane practice of deliberately making sore the feet of Tennessee Walking Horses in order to alter their natural gait").

¹²¹ 9 C.F.R. § 11.1.

prohibited by the regulations include excessive artificial toe length extensions, rigid pads, rocker bars on the bottom of horseshoes, beads, bangles, rollers, chains weighing more than six ounces, chains with irregular links, and devices that abrade a horse's legs.¹²² While the prohibition on certain action devices is well-intentioned, it does not prevent exhibitors from continuing to abuse horses.

The Secretary "is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of [the HPA]."¹²³ This "grant gives teeth to Congress's finding in § 1822 [of the HPA] that regulation by the Department is appropriate to prevent and eliminate the moving, showing, exhibiting, and selling of sore horses."¹²⁴ This grant undoubtedly bestows the authority to prohibit the use of all action devices and pads. Indeed, the Agency has twice indicated its authority and intention to do so. In first publishing the HPA regulations the Agency indicated, "if the horse industry makes no effort to establish a workable self-regulatory program for the elimination of sore horses, or if such a program is established but does not succeed in eliminating the sore horse problem within a reasonable length of time, the Department will give serious consideration to the prohibition of all action devices and pads."¹²⁵ The Agency reiterated its position in publishing its mandatory minimum penalty rule, stating that "if these regulatory changes and the resulting changes in the Horse Protection program do not result in the elimination of soring, we 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."¹²⁶ It is time for USDA to follow through.

¹²² *Id.* § 11.2.

¹²³ 15 U.S.C. § 1828.

¹²⁴ *SHOW v. USDA* Order, *supra* note 13 at 18.

¹²⁵ Notice of Final Rule 44 Fed. Reg. 25,172, 25,173 (Apr. 27, 1979) (to be codified at 9 C.F.R. Part 11).

¹²⁶ Proposed Rule Requiring Minimum Penalties, 76 Fed. Reg. 30,864, 30,867 (proposed May 27, 2011).

First, USDA should amend its definition of action device to include the use of devices that strike the pastern of a horse. Second, the Agency should prohibit the use of *all* action devices, without exception, on the following breeds of horses that are routinely subjected to soring tactics: the Tennessee Walking Horse, the Spotted Saddle Horse, and the Racking Horse.¹²⁷ As discussed above, use of these devices in a show serves no legitimate purpose.¹²⁸ Either the horse is sore and the device exacerbates the pain, or the horse has been conditioned through abusive training and the horse responds to the device accordingly.¹²⁹ Finally, the Petitioner also requests modifications to the rules concerning toe length and the use of pads, weighted shoes, and foreign substances, which, as discussed above, are also routinely used to cause or exacerbate a sore horse's injuries and thus should be prohibited without exception. The HSUS requests that USDA amend the regulations accordingly as set forth in Exhibit 1.¹³⁰

¹²⁷ The current HPA regulations only regulate soring as to Tennessee Walking Horses and Racking Horses. *See, e.g.,* 9 C.F.R. §§ 11.1(c)-(d), 11.6, 11.20. Because Spotted Saddle Horses also incur soring abuse, Petitioner suggests defining "Walking Horse" in the definitions section of the Agency's HPA regulations as "a horse from the following breeds: Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse," and changing references to specific breeds throughout the regulations to Walking Horse. *See* Exhibit 1 (editing 9 C.F.R. § 11.1 and other sections of 9 C.F.R. Part 11 that specifically refer to Tennessee Walking Horses and Racking Horses).

¹²⁸ Without any allowances for the use of action devices, the use of lubricants on walking horses would also serve no legitimate purpose. Lubricants are typically used for the purpose of reducing friction between the device and a walking horse's pastern. Therefore, as set forth in its proposed regulations, Petitioner requests that the Agency remove both the definition of "lubricant" from 9 C.F.R. 11.1, and the allowance for the use of lubricants in 9 C.F.R. § 11.2(c). *See* Exhibit 1 (editing 9 C.F.R. §§ 11.1, 11.2).

¹²⁹ As written, the Scar Rule provides an exception for bilateral areas of uniformly thickened epithelial tissue that is typically caused by currently sanctioned action devices. *See* 9 C.F.R. § 11.3(b). If the Agency grants Petitioner's request to prohibit all action devices for the specified walking horse breeds, there would no longer be a need to provide this exception in the Scar Rule. Accordingly, Petitioner suggests requiring that the entire surface of the pastern all be free of granulomas and other evidence of inflammation. Petitioner has provided language in Exhibit 1 that would resolve this issue with the current language of 9 C.F.R. § 11.3.

¹³⁰ Given the prevalent use of shoes, pads, and altered toe length to covertly aid in pressure shoeing, Petitioner also requests that the Agency amend its definition of "sore" to specifically list pressure shoeing among soring tactics, as set forth in Exhibit 1 (editing 9 C.F.R. § 11.1).

C. Establish a Policy to Impose Extended Disqualification Periods for Repeat Offenders.

As discussed in the original petition, and incorporated by reference herein, a stricter penalty scheme is necessary to stem the ongoing prevalence of HPA violations and curtail the abuse throughout the walking horse industry.¹³¹

USDA has previously stated that “APHIS does not have the authority under the HPA to . . . permanently disqualify repeat violators of the HPA. The disqualification provisions and penalty provisions are clearly enumerated in the HPA.”¹³² Petitioner disagrees. It is true that the disqualification provisions and penalty provisions are set forth in the Act. But equally true is the fact that those provisions provide the Agency with authority to disqualify offenders for extended periods of time, including permanent disqualification. The Act states that the Secretary “*may*,” after a hearing, disqualify violators in the first instance for “a period of *not less than* one year for the first violation and *not less than* five years for any subsequent violation.”¹³³ Far from forbidding extended disqualifications, the Act clearly contemplates them. The Act affords USDA discretion to impose penalties that are higher than the HPA’s minimum penalties as it sees fit.

The Agency has a duty to exercise that discretion to prevent individuals from continuing to abuse and exhibit their horses despite extensive violation histories.¹³⁴ Indeed, the Agency exercised this discretion when it permanently disqualified walking horse trainer Jackie

¹³¹ Original Petition, *supra* note 1 at 21-23, 24-25.

¹³² Notice of Petition, 76 Fed. Reg. 20,569, 20,570 (Apr. 13, 2011).

¹³³ 15 U.S.C. § 1825(c) (emphasis added).

¹³⁴ See *SHOW v. USDA* Order, *supra* note 13 at 23-24 (holding that USDA has broad authority under the HPA to issue regulations regarding minimum suspension penalties for soring violations in furtherance of the Act’s prohibition on “showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore” (quoting 15 U.S.C. § 1824(2)(A))).

McConnell for multiple violations of the HPA in 2012.¹³⁵ The proposed regulatory change simply establishes the Agency's policy to permanently disqualify other repeat offenders too, thus providing an additional incentive for trainers to comply with the law.

The threat of extended disqualification, potentially for life, is the only way to ensure that repeat violators are not allowed to continue abusing horses. An offender penalized with disqualification should be barred "from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction," but Petitioner suggests also prohibiting offenders from otherwise participating in any horse show, horse exhibition, or horse sale or auction.¹³⁶ Most professional industries have limits imposed by governmental entities on the number of violations that may occur before participation by the violator is permanently banned, and the walking horse industry should be no exception.¹³⁷

Accordingly, Petitioner requests that the Agency clearly establish by regulation its policy that if an individual is found to have engaged in repeated violations of the HPA, he or she may, after the opportunity for a hearing, be subject to extended disqualification, including lifetime disqualification, from showing, exhibiting, judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction, as set forth in Exhibit 1.

¹³⁵ See *In re Jackie McConnell*, U.S. Dep't Agric., No. 12-0466 (Aug. 1, 2012), available at http://www.dm.usda.gov/oaljdecisions/120823_12-0466_CD_HPA_Jackie%20McConnell_Redacted.pdf.

¹³⁶ 15 U.S.C. § 1825(c).

¹³⁷ For example, the licenses of horse racing drivers and trainers can be permanently suspended for the use of banned substances on a horse; *Spano v. N.Y. State Racing & Wagering Bd.*, 2009 WL 982177 (N.Y. 2009); *Vaders v. Pa. State Horse Racing Comm'n*, 2008 WL 5473629 (Comm. Ct. Pa. 2009)); embalmers' licenses may be permanently revoked following repeated and systematic violation of statutory requirements; *Moraski v. Conn. Bd. of Exam'rs of Embalmers & Funeral Dir's*, 291 Conn. 242, 967 A.2d 1199 (Conn. 2009); physicians' licenses may be permanently revoked for repeated acts of gross negligence; *Halil v. Med. Bd. of Cal.*, 2009 WL 783251 (App. Ct. Cal. 2009); and chiropractors may have their licenses indefinitely suspended based on multiple complaints of misconduct from patients without violating due process rights; *Greene v. Wyo. Bd. of Chiropractic Exam'rs*, 204 P.3d 285 (Wyo. 2009).

D. Establish a Policy to Disqualify Sore Horses from Future Exhibition.

As discussed in the original petition, and incorporated by reference herein, the repeated exhibition of sore horses is an ongoing problem in the walking horse industry.¹³⁸ If only offenders are disqualified, and not the sore horse, it is very likely that the same horse will simply be entered in subsequent shows by a different person. Moreover, that same horse—whose owners or trainers have already demonstrated that they are willing to sore the horse—will likely be subjected to additional soring, or to brutal “scar removal” tactics to cover up any evidence of past soring.¹³⁹ Disqualification of horses from future shows protects the horse, and operates as a strong deterrent against soring because, without the horse, there can be no prize.

The Agency has previously asserted that it does not have the authority to impose long-term disqualifications for horses that have been scarred due to soring. Petitioner respectfully disagrees. “Where the empowering provision of a statute states simply that the agency may ‘make . . . such rules and regulations as may be necessary to carry out the provisions of this Act,’ . . . the validity of a regulation promulgated thereunder will be sustained so long as it is ‘reasonably related to the purposes of the enabling legislation.’”¹⁴⁰ And as USDA itself has explained, Section 1828 of the HPA gives the Agency “broad rulemaking authority” to issue regulations “which the USDA deem[s] necessary to carry out the Horse Protection Act.”¹⁴¹

¹³⁸ See Original Petition, *supra* note 1 at 18-21.

¹³⁹ See *id.* See also HorseFund FAQ, *supra* note 96 (scars from soring “may be covered up by a dye, or the horse’s legs may be soaked in salicylic acid before the animal is stalled . . . while the skin of the scars slough off”).

¹⁴⁰ *Mourning v. Family Publ’ns Serv., Inc.*, 411 U.S. 356, 369 (1973) (quoting *Thorpe v. Housing Authority of City of Durham*, 393 U.S. 268, 280-81 (1969)); see also Appellees’ Brief at 28, *Contender Farms v. U.S. Dep’t Agric.*, No. 13-11052 (5th Cir. filed Dec. 18, 2013) (“Where a statute empowers an agency to make rules necessary to carry out the provisions of the statute, the court will uphold such a rule if it is reasonably related to the purposes of the enabling legislation.” (quoting *United Steelworkers of Am. v. Marshall*, 647 F.2d 1189, 1237 (D.C. Cir. 1980)) (hereinafter “Appellees’ *Contender Farms* Brief”).

¹⁴¹ Appellees’ *Contender Farms* Brief, *supra* note 140 at 27-28.

“The express purpose of the Act is to prevent practices that can ‘reasonably be expected’ to cause soring, 15 U.S.C. § 1821(3)[.]”¹⁴² The only question, then, is whether allowing sore horses to compete in future competitions can reasonably be expected to cause soring. And there can be little doubt that the answer to that question is yes—competition by sore horses creates an environment in which soring is necessary to win, which only leads to more soring. Thus, preventing a sore horse from competing is necessary to achieve the express purpose of the Act. Indeed, the future disqualification of sore horses is one of the few ways to both protect horses from inhumane treatment and prohibit unscrupulous owners and trainers from gaining an unfair advantage.

In fact, the Act specifically contemplates that horses will be disqualified at least from the show in which they are found to be sore.¹⁴³ And, while there is no express provision in the Act regarding the disqualification of sore horses from future shows, there is also no provision prohibiting such disqualification.¹⁴⁴ Moreover, as Congress recognized when it enacted the HPA, “[b]y making unlawful the showing or exhibition of sored horses . . . the bill, in its practical effect, will make it impossible for persons to show sored horses in nearly all horse shows. This denial of the opportunity to win ribbons should destroy the incentive which presently exists for owners and trainers to painfully mistreat these magnificent animals.”¹⁴⁵ To destroy that incentive, the Agency must prevent the showing of sore horses not just at the show during which the horse was found to be sore, but at future shows as well.

¹⁴² *Am. Horse Prot. Ass’n, Inc. v. Yeutter*, 917 F.2d 594, 595 (D.C. Cir. 1990) (citing 15 U.S.C. § 1828).

¹⁴³ 15 U.S.C. § 1823 (providing that the management of any horse show or exhibition “shall disqualify any horse from being shown or exhibited” if the horse is found to be sore).

¹⁴⁴ See *SHOW v. USDA Order*, *supra* note 12 at 17 (upholding USDA regulation requiring mandatory minimum penalties for soring violations where “the HPA does not directly **authorize** the Department’s imposition” but “on the other hand, the text of the HPA does not directly **forbid** the new rule either”).

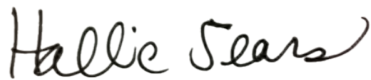
¹⁴⁵ H.R. Rep. No. 91-1597 (1970), *reprinted in* 1970 U.S.C.C.A.N. 4870, 4872.

At minimum, as set forth in Exhibit 1, the Agency should establish, through regulations, its policy to disqualify sore horses from exhibition for extended periods of time, beyond the immediate show at which the horse is found to be sore. Petitioner suggests disqualifying sore horses for at least 180 days in the first instance, for at least one year in the second instance, and for at least three years in the third (or any subsequent) instance.

VII. CONCLUSION

For the foregoing reasons, The HSUS respectfully requests that the Agency adopt the regulatory amendments outlined in this Supplemental Petition and in the attached Exhibit 1.

Respectfully Submitted,



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EXHIBIT 1

Petitioner's Proposed Amendments to 9 C.F.R. Part 11¹

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.1 Definitions.

For the purpose of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also impart the plural and the masculine form shall also impart the feminine. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage or general usage as reflected by definition in a standard dictionary, such as "Webster's."

Act means the Horse Protection Act of 1970 (Pub.L. 91-540) as amended by the Horse Protection Act Amendments of 1976 and any legislation amendatory thereof.

Action device means any boot, collar, chain, roller, or other device which encircles or is placed upon the lower extremity of the leg of a horse in such a manner that it can either rotate around the leg, or slide up and down the leg so as to cause friction, or which can strike the hoof, coronet band, ~~or fetlock joint, or pastern.~~ Such term does not include soft rubber or soft leather bell boots or quarter boots that are used as protective devices.

Administrator means the Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS) means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

APHIS representative means any employee of APHIS, any inspector licensed by APHIS pursuant to section 11.7 of this part, or any officer or employee of any State agency who is authorized by the Administrator to perform inspections or any other functions authorized by the Act, including the inspection of the records of any horse show, horse exhibition, horse sale or horse auction.

APHIS Show Veterinarian means the APHIS Doctor of Veterinary Medicine responsible for the immediate supervision and conduct of the Department's activities under the Act at any horse show, horse exhibition, horse sale or horse auction.

Department means the United States Department of Agriculture.

¹ Language that Petitioner requests the agency to remove from its regulations appears in strikethrough text. Language that Petitioner requests the agency to include in its regulations appears in underlined text.

~~Designated Qualified Person or DQP Inspector means a person meeting the requirements specified in § 11.7 of this part who has been licensed as a DQP by a horse industry organization or association having a DQP program certified by the Department Secretary and who may be appointed and delegated authority by the management of any horse show, horse exhibition, horse sale or horse auction under section 4 of the Act to detect or diagnose horses which are sore or to otherwise inspect horses and any records pertaining to such horses for the purposes of enforcing the Act.~~

Exhibitor means (1) any person who enters any horse, any person who allows his horse to be entered, or any person who directs or allows any horse in his custody or under his direction, control or supervision to be entered in any horse show or horse exhibition; (2) any person who shows or exhibits any horse, any person who allows his horse to be shown or exhibited, or any person who directs or allows any horse in his custody or under his direction, control, or supervision to be shown or exhibited in any horse show or horse exhibition; (3) any person who enters or presents any horse for sale or auction, any person who allows his horse to be entered or presented for sale or auction, or any person who allows any horse in his custody or under his direction, control, or supervision to be entered or presented for sale or auction in any horse sale or horse auction; or (4) any person who sells or auctions any horse, any person who allows his horse to be sold or auctioned, or any person who directs or allows any horse in his custody or under his direction, control, or supervision to be sold or auctioned.

Horse means any member of the species *Equus caballus*.

Horse exhibition means a public display of any horses, singly or in groups, but not in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides.

Horse industry organization or association means an organized group of people, having a formal structure, who are engaged in the promotion of horses through the showing, exhibiting, sale, auction, registry, or any activity which contributes to the advancement of the horse.

Horse sale or horse auction means any event, public or private, at which horses are sold or auctioned, regardless of whether or not said horses are exhibited prior to or during the sale or auction.

Horse show means a public display of any horses, in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides.

Inspection means the examination of any horse and any records pertaining to any horse by use of whatever means are deemed appropriate and necessary for the purpose of determining compliance with the Act and regulations. Such inspection may include, but is not limited to, visual examination of a horse and records, actual physical examination of a horse including touching, rubbing, palpating and observation of vital signs, and the use of any diagnostic device or instrument, and may require the removal of any shoe, pad, action device, or any other equipment, substance or paraphernalia from the horse when deemed necessary by the person conducting such inspection.

Inspector means a person meeting the requirements specified in § 11.7 of this part who has been licensed by the Secretary and who may be appointed and delegated authority by the management of any horse show, horse exhibition, horse sale or horse auction under section 4 of the Act to detect or diagnose horses which are sore or to otherwise inspect horses and any records pertaining to such horses for the purposes of enforcing the Act.

~~Lubricant means mineral oil, glycerine or petrolatum, or mixtures exclusively thereof, that is applied to the limbs of a horse solely for protective and lubricating purposes while the horse is being shown or exhibited at a horse show, horse exhibition, horse sale or horse auction.~~

Management means any person or persons who organize, exercise control over, or administer or are responsible for organizing, directing, or administering any horse show, horse exhibition, horse sale or horse auction and specifically includes, but is not limited to, the sponsoring organization and show manager.

Person means any individual, corporation, company, association, firm, partnership, society, organization, joint stock company, or other legal entity.

Regional Director means the APHIS veterinarian who is assigned by the Administrator to supervise and perform official duties of APHIS under the Act in a specified State or States.

Secretary means the Secretary of Agriculture or anyone who has heretofore or may hereafter be delegated authority to act in his stead.

Show manager means the person who has been delegated primary authority by a sponsoring organization for managing a horse show, horse exhibition, horse sale or horse auction.

Sore when used to describe a horse means:

(1) An irritating or blistering agent has been applied, internally or externally by a person to any limb of a horse,

(2) Any burn, cut, or laceration has been inflicted by a person on any limb of a horse,

(3) Any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or

(4) A horse who has been shod or its hooves have been trimmed in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving.

~~(54) Any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in~~

connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

Sponsoring organization means any person under whose immediate auspices and responsibility a horse show, horse exhibition, horse sale, or horse auction is conducted.

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

Walking Horse means a horse from one of the following breeds: Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.2 Prohibitions concerning exhibitors.

~~(a) General~~ Specific prohibitions concerning Walking Horses. ~~Notwithstanding the provisions of paragraph (b) of this section, no chain, boot, roller, collar, action device, nor any other device, method, practice, or substance shall be used.~~ The use of any of the following devices, equipment, or practices is prohibited with respect to any Walking Horse ~~horse~~ at any horse show, horse exhibition, or horse sale or auction:

(1) Any action device;

(2) Any pad, wedge, or hoof band;

(3) Any horse shoe weighing more than 18 ounces;

(4) Toe length less than 3 inches, not including the thickness of the shoe, and greater than 5 inches, including the thickness of the shoe. The length of the toe shall be measured from the coronet band, at the center of the front pastern along the front of the hoof wall to the ground. The heel shall be measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, not including normal caulks at the rear of a horseshoe that do not exceed 3/4 inch in length. That portion of caulk at the rear of a horseshoe in excess of 3/4 of an inch shall be added to the height of the heel in determining the heel/toe ratio;

(5) Artificial extension of the toe length, whether accomplished with pads, acrylics or any other material or combinations thereof, that exceeds 50 percent of the natural hoof length, as measured from the coronet band, at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe. The artificial extension shall be measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface of the shoe.

(6) Single or double rocker-bars on the bottom surface of horseshoes which extend more than 1 1/2 inches back from the point of the toe, or which would cause, or could reasonably be expected to cause, an unsteadiness of stance in the horse with resulting muscle and tendon strain due to the horse's weight and balance being focused upon a small fulcrum point;

(7) Shoeing a horse, or trimming a horse's hoof in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving;

(8) Lead or other weights attached to the outside of the hoof wall or the outside surface of the horseshoe and hollow shoes or artificial extensions filled with mercury or similar substances;

(9) Any weight on yearling horses (horses up to 2 years old), except a keg or similar conventional horseshoe, and any horseshoe on yearling horses that weighs more than 16 ounces; and

(10) Any other device, material, method, practice, or substance if such use causes or can reasonably be expected to cause such horse to be sore.

(b) Specific prohibitions concerning any horse other than a Walking Horse at any horse show, horse exhibition, or horse sale or auction. The use of any of the following devices, equipment, or practices on any horse other than a Walking Horse at any horse show, horse exhibition, or horse sale or auction is prohibited:

(1) All beads, bangles, rollers, and similar devices, with the exception of rollers made of lignum vitae (hardwood), aluminum, or stainless steel, with individual rollers of uniform size, weight and configuration, provided each such device may not weigh more than 6 ounces, including the weight of the fastener.

(2) Chains weighing more than 6 ounces each, including the weight of the fastener.

(3) Chains with links that are not of uniform size, weight and configuration; and, chains that have twisted links or double links.

(4) Chains that have drop links on any horse that is being ridden, worked on a lead, or otherwise worked out or moved about.

(5) More than one action device on any one limb of a horse.

(6) Chains or lignum vitae, stainless steel, or aluminum rollers which are not smooth and free of protrusions, projections, rust, corrosion, or rough or sharp edges.

(7)(i) Boots, collars, or any other devices, with protrusions or swellings, or rigid, rough, or sharp edges, seams or any other abrasive or abusive surface that may contact a horse's leg; and

(ii) Boots, collars, or any other devices that weigh more than 6 ounces, except for soft rubber or soft leather bell boots and quarter boots that are used as protective devices.

(8) Pads or other devices on yearling horses that elevate or change the angle of such horses' hooves in excess of 1 inch at the heel.

(9) Any weight on yearling horses, except a keg or similar conventional horseshoe, and any horseshoe on yearling horses that weighs more than 16 ounces.

(10) Artificial extension of the toe length, whether accomplished with pads, acrylics or any other material or combinations thereof, that exceeds 50 percent of the natural hoof length, as measured from the coronet band, at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe. The artificial extension shall be measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface of the shoe.

(11) Toe length that does not exceed the height of the heel by 1 inch or more. The length of the toe shall be measured from the coronet band, at the center of the front pastern along the front of the hoof wall to the ground. The heel shall be measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, not including normal caulks at the rear of a horseshoe that do not exceed 3/4 inch in length. That portion of caulk at the rear of a horseshoe in excess of 3/4 of an inch shall be added to the height of the heel in determining the heel/toe ratio.

(12) Pads that are not made of leather, plastic, or a similar pliant material.

(13) Any object or material inserted between the pad and the hoof other than acceptable hoof packing, which includes pine tar, oakum, live rubber, sponge rubber, silicone, commercial hoof packing or other substances used to maintain adequate frog pressure or sole consistency.

(14) Single or double rocker-bars on the bottom surface of horseshoes which extend more than 1 1/2 inches back from the point of the toe, or which would cause, or could reasonably be expected to cause, an unsteadiness of stance in the horse with resulting muscle and tendon strain due to the horse's weight and balance being focused upon a small fulcrum point.

(15) Metal hoof bands, such as used to anchor or strengthen pads and shoes, placed less than 1/2 inch below the coronet band.

(16) Metal hoof bands that can be easily and quickly loosened or tightened by hand, by means such as, but not limited to, a wing-nut or similar fastener.

(17) Any action device or any other device that strikes the coronet band of the foot of a horse except for soft rubber or soft leather bell boots that are used as protective devices.

(18) Shoeing a horse, or trimming a horse's hoof in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving.

(19) Lead or other weights attached to the outside of the hoof wall, the outside surface of the horseshoe, or any portion of the pad except the bottom surface within the horseshoe. Pads may not be hollowed out for the purpose of inserting or affixing weights, and weights may not extend below the bearing surface of the shoe. Hollow shoes or artificial extensions filled with mercury or similar substances are prohibited.

(c) Substances. All substances are prohibited on the extremities above the hoof of any Walking Horse Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, ~~except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof. Provided, That:~~

~~(1) The horse show, horse exhibition, or horse sale or auction management agrees to furnish all such lubricants and to maintain control over them when used at the horse show, horse exhibition, or horse sale or auction.~~

~~(2) Any such lubricants shall be applied only after the horse has been inspected by management or by a DQP and shall only be applied under the supervision of the horse show, horse exhibition, or horse sale, or auction management.~~

~~(3) Horse show, horse exhibition, or horse sale or auction management makes such lubricants available to Department personnel for inspection and sampling as they deem necessary.~~

(d) Competition restrictions--2 Year-Old Horses. Horse show or horse exhibition workouts or performances of 2-year-old Walking Horses Tennessee Walking Horses and racking horses and working exhibitions of 2-year-old Walking Horses Tennessee Walking Horses and racking horses (horses eligible to be shown or exhibited in 2-year-old classes) at horse sales or horse auctions that exceed a total of 10 minutes continuous workout or performance without a minimum 5-minute rest period between the first such 10-minute period and the second such 10-minute period, and, more than two such 10-minute periods per performance, class, or workout are prohibited.

(e) Information requirements--horse related. Failing to provide information or providing any false or misleading information required by the Act or regulations or requested by Department representatives, by any person that owns, trains, shows, exhibits, or sells or has custody of, or direction or control over any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, horse exhibition, or horse sale or auction is prohibited. Such information shall include, but is not limited to: Information concerning the registered name, markings, sex, age, and legal ownership of the horse; the name and address of the horse's training and/or stabling facilities; the name and address of the owner, trainer, rider, any other exhibitor, or other legal entity bearing responsibility for the horse; the class in which the horse is entered or shown; the exhibitor

identification number; and, any other information reasonably related to the identification, ownership, control, direction, or supervision of any such horse.

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§ 11.3 Scar rule.

~~The scar rule following criteria applies to all horses born on any date from or after October 1, 1975 through October 1, 2013:- Horses subject to this rule that do not meet the following above criteria shall be considered to be “sore” and are subject to all prohibitions of section 5 of the Act. The scar rule criteria are as follows:-~~

(a) The anterior 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.

(b) The posterior surfaces of the pasterns (flexor surface), including the sulcus or “pocket” may show bilateral areas of uniformly thickened epithelial tissue if such areas are free of proliferating granuloma tissue, irritation, moisture, edema, or other evidence of inflammation.

The following criteria apply to horses born after October 1, 2013: 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.

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§ 11.4 Inspection and detention of horses.

For the purpose of effective enforcement of the Act:

(a) Each horse owner, exhibitor, trainer, or other person having custody of, or responsibility for, any horse at any horse show, horse exhibition, or horse sale or auction, shall allow any APHIS representative to reasonably inspect such horse at all reasonable times and places the APHIS

representative may designate. Such inspections may be required of any horse which is stabled, loaded on a trailer, being prepared for show, exhibition, or sale or auction, being exercised or otherwise on the grounds of, or present at, any horse show, horse exhibition, or horse sale or auction, whether or not such horse has or has not been shown, exhibited, or sold or auctioned, or has or has not been entered for the purpose of being shown or exhibited or offered for sale or auction at any such horse show, horse exhibition, or horse sale or auction. APHIS representatives will not generally or routinely delay or interrupt actual individual classes or performances at horse shows, horse exhibitions, or horse sales or auctions for the purpose of examining horses, but they may do so in extraordinary situations, such as but not limited to, lack of proper facilities for inspection, refusal of management to cooperate with Department inspection efforts, reason to believe that failure to immediately perform inspection may result in the loss, removal, or masking of any evidence of a violation of the Act or the regulations, or a request by management that such inspections be performed by an APHIS representative.

(b) When any APHIS representative notifies the owner, exhibitor, trainer, or other person having custody of or responsibility for a horse at any horse show, horse exhibition, or horse sale or auction that APHIS desires to inspect such horse, it shall not be moved from the horse show, horse exhibition, or horse sale or auction until such inspection has been completed and the horse has been released by an APHIS representative.

(c) For the purpose of examination, testing, or taking of evidence, APHIS representatives may detain for a period not to exceed 24 hours any horse, at any horse show, horse exhibition, or horse sale or auction, which is sore or which an APHIS veterinarian has probable cause to believe is sore. Such detained horse may be marked for identification and any such identifying markings shall not be removed by any person other than an APHIS representative.

(d) Detained horses shall be kept under the supervision of an APHIS representative or secured under an official USDA seal or seals in a horse stall, horse trailer, or other facility to which access shall be limited. It shall be the policy of APHIS to have at least one representative present in the immediate detention area when a horse is being held in detention. The official USDA seal or seals may not be broken or removed by any person other than an APHIS representative, unless:

(1) The life or well-being of the detained horse is immediately endangered by fire, flood, windstorm, or other dire circumstances that are beyond human control.

(2) The detained horse is in need of such immediate veterinary attention that its life may be in peril before an APHIS representative can be located.

(3) The horse has been detained for a maximum 24-hour detention period, and an APHIS representative is not available to release the horse.

(e) The owner, exhibitor, trainer, or other person having custody of or responsibility for any horse detained by APHIS for further examination, testing, or the taking of evidence shall be allowed to feed, water, and provide other normal custodial and maintenance care, such as walking, grooming, etc., for such detained horse: Provided, That:

(1) Such feeding, watering, and other normal custodial and maintenance care of the detained horse is rendered under the direct supervision of an APHIS representative.

(2) Any non-emergency veterinary care of the detained horse requiring the use, application, or injection of any drugs or other medication for therapeutic or other purposes is rendered by a Doctor of Veterinary Medicine in the presence of an APHIS representative and, the identity and dosage of the drug or other medication used, applied, or injected and its purpose is furnished in writing to the APHIS representative prior to such use, application, or injection by the Doctor of Veterinary Medicine attending the horse. The use, application, or injection of such drug or other medication must be approved by the APHIS Show Veterinarian or his appointed representative.

(f) It shall be the policy of APHIS to inform the owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse allegedly found to be in violation of the Act or the regulations of such alleged violation or violations before the horse is released by an APHIS representative.

(g) The owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse or horses that an APHIS representative determines shall be detained for examination, testing, or taking of evidence pursuant to paragraph (e) of this section shall be informed after such determination is made and shall allow said horse to be immediately put under the supervisory custody of APHIS or secured under official USDA seal as provided in paragraph (d) of this section until the completion of such examination, testing, or gathering of evidence, or until the 24-hour detention period expires.

(h) The owner, trainer, exhibitor, or other person having custody of or responsibility for any horse allegedly found to be in violation of the Act or regulations, and who has been notified of such alleged violation by an APHIS representative as stated in paragraph (f) of this section, may request reexamination and testing of said horse within a 24-hour period: Provided, That:

(1) Such request is made to the APHIS Show Veterinarian immediately after the horse has been examined by APHIS representatives and before such horse has been removed from the APHIS inspection facilities; and

(2) The APHIS Show Veterinarian determines that sufficient cause for reexamination and testing exists; and

(3) The horse is maintained under APHIS supervisory custody as prescribed in paragraph (d) of this section until such reexamination and testing has been completed.

(i) The owner, exhibitor, trainer, or other person having custody of, or responsibility for any horse being inspected shall render such assistance as the APHIS representative may request for purposes of such inspection.

(ii) [Reserved]

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§ 11.5 Access to premises and records.

Requirements regarding access to premises for inspection of horses and records are as follows:

(a) Management.

(1) The management of any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, provide APHIS representatives with unlimited access to the grandstands, sale ring, barns, stables, grounds, offices, and all other areas of any horse show, horse exhibition, or horse sale or auction, including any adjacent areas under their direction, control, or supervision for the purpose of inspecting any horses, or any records required to be kept by regulation or otherwise maintained.

(2) The management of any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, provide APHIS representatives with an adequate, safe, and accessible area for the visual inspection and observation of horses while such horses are competitively or otherwise performing at any horse show or horse exhibition, or while such horses are being sold or auctioned or offered for sale or auction at any horse sale or horse auction.

(b) Exhibitors.

(1) Each horse owner, exhibitor, or other person having custody of or responsibility for any horse at any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, admit any APHIS representative or ~~Designated Qualified Person~~ Inspector appointed by management, to all areas of barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other show, exhibition, or sale or auction grounds or related areas at any horse show, horse exhibition, or horse sale or auction, for the purpose of inspecting any such horse at any and all reasonable times.

(2) Each owner, trainer, exhibitor, or other person having custody of or responsibility for, any horse at any horse show, horse exhibition, or horse sale or auction shall promptly present his horse for inspection upon notification, orally or in writing, by any APHIS representative or ~~Designated Qualified Person~~ Inspector appointed by management, that said horse has been selected for examination for the purpose of determining whether such horse is in compliance with the Act and regulations.

(c) Nothing in this section shall be interpreted to preclude any payment provided by the management of any horse show, horse exhibition, or horse sale or auction to inspectors for purposes of providing inspection services in accordance with section 11.20 of this Part.

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§ 11.6 Inspection space and facility requirements.

The management of every horse show, horse exhibition, or horse sale or auction, containing ~~Walking Horses~~~~Tennessee Walking Horses or racking horses~~, shall provide, without fee, sufficient space and facilities for APHIS representatives to carry out their duties under the Act and regulations at every horse show, horse exhibition, or horse sale or auction, containing ~~Walking Horses~~~~Tennessee Walking Horses or racking horses~~, whether or not management has received prior notification or otherwise knows that such show may be inspected by APHIS. The management of every horse show, horse exhibition, horse sale or auction which does not contain ~~Walking Horses~~~~Tennessee Walking Horses or racking horses~~ shall provide, without fee, such sufficient space and facilities when requested to do so by APHIS representatives. With respect to such space and facilities, it shall be the responsibility of management to provide at least the following:

- (a) Sufficient space in a convenient location to the horse show, horse exhibition, or horse sale or auction arena, acceptable to the APHIS Show Veterinarian, in which horses may be physically, thermographically, or otherwise inspected.
- (b) Protection from the elements of nature, such as rain, snow, sleet, hail, windstorm, etc., if required by the APHIS Show Veterinarian.
- (c) A means to control crowds or onlookers in order that APHIS personnel may carry out their duties without interference and with a reasonable measure of safety, if requested by the APHIS Show Veterinarian.
- (d) An accessible, reliable, and convenient 110-volt electrical power source, if electrical service is available at the show, exhibition, or sale or auction site and is requested by the APHIS Show Veterinarian.
- (e) An appropriate area adjacent to the inspection area for designated horses to wait for inspection, and an area to be used for detention of horses.

Nothing in this section shall be interpreted to preclude any payment provided by the management of any horse show, horse exhibition, or horse sale or auction to inspectors for purposes of providing inspection services in accordance with section 11.20 of this Part.

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**§ 11.7 Certification and licensing of ~~designated qualified persons~~
(DQP's)Inspectors.**

(a) ~~Basic qualifications of DQP applicants~~ Appointment by Management. ~~DQP's~~ Upon request by the management of any horse show, horse exhibition, horse sale, or horse auction, the Administrator shall designate an Inspector(s), who holds ~~holding~~ a valid, current ~~DQP~~ license issued in accordance with this part and who is available, may to be appointed and retained with payment for inspection services by the management of any horse show, horse exhibition, horse sale, or horse auction, as a qualified person in accordance with section 4(c) of the Act to inspect horses to detect or diagnose soring and to otherwise inspect horses, or any records pertaining to any horse for the purpose of enforcing the Act. ~~Individuals who may be licensed as DQP's under this part shall be:~~

(b) Basic Qualifications. Individuals who may be licensed as Inspectors under this part shall be:

(1) Doctors of Veterinary Medicine who are accredited in any State by the United States Department of Agriculture under part 161 of chapter I, title 9 of the Code of Federal Regulations, and who are:

(i) Members of the American Association of Equine Practitioners, or

(ii) Large animal practitioners with substantial equine experience, or

(iii) Knowledgeable in the area of equine lameness as related to soring and soring practices (such as Doctors of Veterinary Medicine with a small animal practice who own, train, judge, or show horses, or Doctors of Veterinary Medicine who teach equine related subjects in an accredited college or school of veterinary medicine). ~~Accereditd Doctors of Veterinary Medicine who meet these criteria may be licensed as DQP's by a horse industry organization or assoeciation whose DQP program has been certified by the Department under this part without undergoing the formal training requirements set forth in this section.~~

(2) Farriers, horse trainers, and other knowledgeable horsemen whose ~~past knowledge, experience, and training would qualify them for positions as horse industry organization or association stewards or judges (or their equivalent) and who have been formally trained and licensed as DQP's by a horse industry organization or association whose DQP program has been eertified by the Department~~ provide them with the capability to identify horses that are sore in accordance with the requirements of the Act and this part. ~~this section.~~

~~(b) Certification requirements for DQP programs. The Department will not license DQP's on an individual basis. Licensing of DQP's will be accomplished only through DQP programs certified by the Department and initiated and maintained by horse industry organizations or associations. Any horse industry organization or association desiring Department certification to train and license DQP's under the Act shall submit to the Administrator a formal request in writing for certification of its DQP program and a detailed outline of such program for Department approval. Such outline shall include the organizational structure of such organization or~~

~~association and the names of the officers or persons charged with the management of the organization or association. The outline shall also contain at least the following:~~

In issuing licenses under this section, the Administrator shall give preference to persons who are licensed or accredited veterinarians.

~~(4) The Administrator shall develop additional criteria, consistent with this paragraph, to be used in selecting DQP-Inspector candidates, and the minimum qualifications and knowledge regarding horses, and the standards of performance and conduct each candidate must have and maintain in order to be admitted to and retained in the program.~~

(c) Inspector Conflicts of Interest. No person may be licensed as an Inspector, have his license renewed as an Inspector, or, if licensed, perform the duties of an Inspector, unless he or she is free of any personal and professional conflicts of interest that could interfere with the objective and unbiased performance of the Inspector's responsibilities. Such conflicts of interest include, but are not limited to:

(1) Being employed by the Management of any horse show, horse exhibition, sale or auction for which the Inspector has been appointed pursuant to paragraph (a) of this section, or having any contractual relationship with or financial interest in such Management, other than being appointed to provide inspection services;

(2) Entering, owning, training or offering for sale a horse in any horse show, horse exhibition, sale or auction for which the Inspector has been appointed pursuant to paragraph (a) of this section;

(3) Inspecting any horse entered, owned, trained, exhibited or offered for sale by:

(i) A member of the Inspector's immediate family;

(ii) The Inspector's employer, or any stockholder, director, officer, member, limited or general partner, employee or agent of such employer, or members of the immediate family of such persons;

(iii) An employee of the Inspector, or any member of such employee's immediate family;

(iv) A customer or client of the Inspector, or of any person that employs the Inspector; or members of the immediate family of such persons; or

(v) Any person who is the co-owner of, or has a financial interest in, any business owned or controlled by the Inspector;

Prior to the issuance or renewal of an inspector's license the Inspector shall submit to the Administrator a statement, in the form prescribed by the Administrator, certifying compliance with this paragraph.

(d) Training of Inspectors. The Administrator shall on an annual basis develop a formal training curriculum and materials for new Inspector candidates, and a renewal curriculum for previously licensed Inspectors, on an annual basis, which shall, at a minimum, include:

(1) The substantive and procedural requirements of the Act and these regulations;

(2) The authority, responsibilities, and reporting obligations of an Inspector;

(3) The history of soring, and the methods and practices used to sore horses;

(4) The anatomy and physiology of the limbs of a horse, with particular reference to known and suspected soring practices, and known and suspected techniques to mask or disguise the effects of such practices;

(5) The physical examination procedures (including the use of thermography, chemical swabbing, digital palpation, and other techniques) to be employed by Inspectors to detect and diagnose sore horses;

(6) Gathering and preserving evidence of the inspection process and recordkeeping;

(7) Standards of conduct relating to the performance of the Inspector's responsibilities under the Act and regulations, and the avoidance of any real or perceived conflict of interest;

~~(2) A copy of the formal training program, classroom and practical, required to be completed by each DQP candidate before being licensed by such horse industry organization or association, including the minimum number of hours, classroom and practical, and the subject matter of the training program. Such training program must meet the following minimum standards in order to be certified by the Department under the Act.~~

~~(i) Two hours of classroom instruction on the anatomy and physiology of the limbs of a horse. The instructor teaching the course must be specified, and a resume of said instructor's background, experience, and qualifications to teach such course shall be provided to the Administrator.~~

~~(ii) Two hours of classroom instruction on the Horse Protection Act and regulations and their interpretation. Instructors for this course must be furnished or recommended by the Department. Requests for instructors to be furnished or recommended must be made to the Administrator in writing at least 30 days prior to such course.~~

~~(iii) Four hours of classroom instruction on the history of soring, the physical examination procedures necessary to detect soring, the detection and diagnosis of soring, and related subjects. The instructor teaching the course must be specified and a summary of said instructor's background, experience, and qualifications to teach such course must be provided to the Administrator.~~

~~(8) (iv) Four hours of p~~Practical instruction in clinics and seminars utilizing live horses with actual application of the knowledge gained in the classroom subjects covered in this paragraphs (b)(2)(i), (ii), and (iii) of this section, with emphasis on the Mmethods and procedures required to perform a thorough and uniform examination of a horse ~~shall be included. The names of the instructors and a resume of their background, academic and practical experience, and qualifications to present such instruction shall be provided to the Administrator. Notification of the actual date, time, duration, subject matter, and geographic location of such clinics or seminars must be sent to the Administrator at least 10 days prior to each such clinic or seminar;~~ and

~~(v) One hour of classroom instruction regarding the DQP standards of conduct promulgated by the licensing organization or association pursuant to paragraph (d)(7) of this section.~~

~~(vi) One hour of classroom instruction on recordkeeping and reporting requirements and procedures.~~

~~(3) A sample of a written examination which must be passed by DQP candidates for successful completion of the program along with sample answers and the scoring thereof, and proposed passing and failing standards.~~

~~(4) The criteria to be used to determine the qualifications and performance abilities of DQP candidates selected for the training program and the criteria used to indicate successful completion of the training program, in addition to the written examination required in paragraph (b)(3) of this section.~~

~~(5) The criteria and schedule for a continuing education program and the criteria and methods of monitoring and appraising performance for continued licensing of DQP's by such organization or association. A continuing education program for DQP's shall consist of not less than 4 hours of instruction per year.~~

~~(6) Procedures for monitoring horses in the unloading, preparation, warmup, and barn areas, or other such areas. Such monitoring may include any horse that is stabled, loaded on a trailer, being prepared for show, exhibition, sale, or auction, or exercised, or that is otherwise on the grounds of, or present at, any horse show, horse exhibition, or horse sale or auction.~~

~~(7) The methods to be used to insure uniform interpretation and enforcement of the Horse Protection Act and regulations by DQP's and uniform procedures for inspecting horses for compliance with the Act and regulations;~~

~~(8) Standards of conduct for DQP's promulgated by the organization or association in accordance with paragraph (d)(7) of this section; and~~

~~(9) A formal request for Department certification of the DQP program.~~

~~The horse industry organizations or associations that have formally requested Department certification of their DQP training, enforcement, and maintenance program will receive a formal~~

~~notice of certification from the Department, or the reasons, in writing, why certification of such program cannot be approved. A current list of certified DQP programs and licensed DQP's will be published in the Federal Register at least once each year, and as may be further required for the purpose of deleting programs and names of DQP's that are no longer certified or licensed, and of adding the names of programs and DQP's that have been certified or licensed subsequent to the publication of the previous list.~~

~~(ee) Licensing of DQP's Inspectors. The Administrator may issue an annual license to any Inspector candidate provided that the requirements of this section are met. Each horse industry organization or association receiving Department certification for the training and licensing of DQP's under the Act~~The Administrator shall:

~~(1) Issue to each DQP Inspector licensed by such horse industry organization or association pursuant to this section a numbered identification card bearing the name and personal signature of the DQP Inspector, a picture of the DQP Inspector, and the name and address, including the street address or post office box, and zip code, telephone number, and email address of the APHIS representative to whom inquiries concerning the Inspector should be directed; of the licensing organization or association;~~

~~(2) Submit a list to the Administrator of names and addresses including street address or post office box and zip code, of all DQP's that have successfully completed the certified DQP program and have been licensed under the Act and regulations by such horse industry organization or association;~~

~~(3) Notify the Department of any additions or deletions of names of licensed DQP's from the licensed DQP list submitted to the Department or of any change in the address of any licensed DQP or any warnings and license revocations issued to any DQP licensed by such horse industry organization or association within 10 days of such change;~~

~~(42) Not license or renew the license of any person as an Inspector a DQP if such person:~~

~~(a) Has been convicted of any violation of the Act or regulations occurring after July 13, 1976, or paid any fine or civil penalty in settlement of any proceeding regarding a violation of the Act or regulations occurring after July 13, 1976, for a period of at least 2 years following the first such violation, and for a period of at least 5 years following the second such violation and any subsequent violation; had his license cancelled pursuant to paragraph (g) of this section, been disqualified pursuant to section 6(c) of the Act, or otherwise been disqualified by the Secretary from making detection, diagnosis, or inspection for the purpose of enforcing the Act pursuant to a license issued by the Administrator; or~~

~~(b) While a DQP licensed by a Horse Industry Organization pursuant to former sections 11.7(b) and (c) of these regulations, has been the subject of a letter of warning or request for the issuance of a letter of warning by the Administrator, or disqualified by the Secretary from making detection, diagnosis, or inspection for the purpose of enforcing the Act; or~~

(c) Has been disqualified or fined or had his license cancelled by any Horse Industry Organization for conduct that violated the Act or regulations or any rule adopted by a Horse Industry Organization.

~~(53) Not license any person as a DQP~~an Inspector until such person has attended and worked two recognized ~~or affiliated~~ horse shows, horse exhibitions, horse sales, or horse auctions as an apprentice ~~DQP-Inspector~~ and has demonstrated the ability, qualifications, knowledge and integrity required to satisfactorily execute the duties and responsibilities of ~~a DQP~~an Inspector.

~~(6) Not license any person as a DQP if such person has been disqualified by the Secretary from making detection, diagnosis, or inspection for the purpose of enforcing the Act, or if such person's DQP license is canceled by another horse industry organization or association.~~

~~(df) Requirements to be met by DQP's and Licensing Organizations or Associations~~Inspectors.

(1) Any licensed ~~DQP-Inspector~~ appointed by the management of any horse show, horse exhibition, horse sale or auction to inspect horses for the purpose of detecting and determining or diagnosing horses which are sore and to otherwise inspect horses for the purpose of enforcing the Act and regulations, shall keep and maintain the following information and records concerning any horse which said ~~DQP-Inspector~~ recommends be disqualified or excused for any reason at such horse show, horse exhibition, horse sale or auction, from being shown, exhibited, sold or auctioned, in a uniform format ~~required by the horse industry organization or association that has licensed said DQPs~~specified by the Administrator:

(i) The name and address, including street address or post office box and zip code, of the show and the show manager.

(ii) The name and address, including street address or post office box and zip code, of the horse owner.

(iii) The name and address, including street address or post office box and zip code, of the horse trainer.

(iv) The name and address, including street address or post office box and zip code, of the horse exhibitor.

(v) The exhibitor's number and class number, or the sale or auction tag number of said horse.

(vi) The date and time of the inspection.

(vii) A detailed description of all of the ~~DQP's-Inspector's~~ findings and the nature of the alleged violation, or other reason for disqualifying or excusing the horse, including said ~~DQP's Inspector's~~ statement regarding the evidence or facts upon which the decision to disqualify or excuse said horse was based.

(viii) The name, age, sex, color, and markings of the horse; and

(ix) The name or names of the show manager or other management representative notified by the ~~DQP Inspector~~ that such horse should be excused or disqualified and whether or not such manager or management representative excused or disqualified such horse.

(iv) The DQP Inspector shall immediately inform management of each case regarding any horse which, in his opinion, is in violation of the Act or regulations.

Copies of the above records, along with all photographs, video recordings, thermography or other diagnostic testing results, swabs, and samples, shall be submitted by the the involved DQP Inspector to the horse industry organization or association that has licensed said DQP Administrator within 72 hours after the horse show, horse exhibition, horse sale, or horse auction is over.

(2) The ~~DQP Inspector~~ shall inform the custodian of each horse allegedly found in violation of the Act or its regulations, or disqualified or excused for any other reason, of such action and the specific reasons for such action.

~~(3) Each horse industry organization or association having a Department certified DQP program shall submit a report to the Department containing the following information, from records required in paragraph (d)(1) of this section and other available sources, to the Department on a monthly basis:~~

~~(i) The identity of all horse shows, horse exhibitions, horse sales, or horse auctions that have retained the services of DQP's licensed by said organization or association during the month covered by the report. Information concerning the identity of such horse shows, horse exhibitions, horse sales, or horse auctions shall include:~~

~~(A) The name and location of the show, exhibition, sale, or auction.~~

~~(B) The name and address of the manager.~~

~~(C) The date or dates of the show, exhibition, sale, or auction.~~

~~(ii) The identity of all horses at each horse show, horse exhibition, horse sale, or horse auction that the licensed DQP recommended be disqualified or excused for any reason. The information concerning the identity of such horses shall include:~~

~~(A) The registered name of each horse.~~

~~(B) The name and address of the owner, trainer, exhibitor, or other person having custody of or responsibility for the care of each such horse disqualified or excused.~~

~~(4) Each horse industry organization or association having a Department certified DQP program shall provide, by certified mail if personal service is not possible, to the trainer and owner of~~

~~each horse allegedly found in violation of the Act or its regulations or otherwise disqualified or excused for any reason, the following information;~~

~~(i) The name and date of the show, exhibition, sale, or auction.~~

~~(ii) The name of the horse and the reason why said horse was excused, disqualified, or alleged to be in violation of the Act or its regulations.~~

~~(5) Each horse industry organization or association having a Department certified DQP program shall provide each of its licensed DQP's with a current list of all persons that have been disqualified by order of the Secretary from showing or exhibiting any horse, or judging or managing any horse show, horse exhibition, horse sale, or horse auction. The Department will make such list available, on a current basis, to organizations and associations maintaining a certified DQP program.~~

~~(6) Each horse industry organization or association having a Department certified DQP program shall develop and provide a continuing education program for licensed DQP's which provides not less than 4 hours of instruction per year to each licensed DQP.~~

~~(7) Each horse industry organization or association having a Department certified DQP program shall promulgate standards of conduct for its DQP's, and shall provide administrative procedures within the organization or association for initiating, maintaining, and enforcing such standards. The procedures shall include the causes for and methods to be utilized for canceling the license of any DQP who fails to properly and adequately carry out his duties. Minimum standards of conduct for DQP's shall include the following;~~

~~(i) A DQP shall not exhibit any horse at any horse show or horse exhibition, or sell, auction, or purchase any horse sold at a horse sale or horse auction at which he or she has been appointed to inspect horses;~~

~~(ii) A DQP shall not inspect horses at any horse show, horse exhibition, horse sale or horse auction in which a horse or horses owned by a member of the DQP's immediate family or the DQP's employer are competing or are being offered for sale;~~

~~(iii) A DQP shall follow the uniform inspection procedures of his certified organization or association when inspecting horses; and~~

~~(iv) The DQP Inspector shall immediately inform management of each case regarding any horse which, in his opinion, is in violation of the Act or regulations.~~

~~(e) Prohibition of appointment of certain persons to perform duties under the Act. The management of any horse show, horse exhibition, horse sale, or horse auction shall not appoint any person to detect and diagnose horses which are sore or to otherwise inspect horses for the purpose of enforcing the Act, if that person:~~

~~(1) Does not hold a valid, current DQP license issued by a horse industry organization or association having a DQP program certified by the Department.~~

~~(2) Has had his DQP license canceled by the licensing organization or association.~~

~~(3) Is disqualified by the Secretary from performing diagnosis, detection, and inspection under the Act, after notice and opportunity for a hearing, when the Secretary finds that such person is unfit to perform such diagnosis, detection, or inspection because he has failed to perform his duties in accordance with the Act or regulations, or because he has been convicted of a violation of any provision of the Act or regulations occurring after July 13, 1976, or has paid any fine or civil penalty in settlement of any proceeding regarding a violation of the Act or regulations occurring after July 13, 1976.~~

~~(fg) Cancellation of DQP-Inspector license.~~

~~(1) Each horse industry organization or association having a DQP program certified by the Department. The Administrator shall issue a written warning to any DQP-Inspector whom it APHIS has licensed who violates the rules requirements of the Act or these, regulations, by laws, or the standards of performance or conduct promulgated by such horse industry organization or association pursuant to this section developed by the Administrator, who fails to follow the procedures set forth in § 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP Inspector after a second violation. Upon cancellation of his DQP-Inspector license, the DQP Inspector may, within 30 days thereafter, request a hearing before a review committee of not less than three persons appointed by the licensing horse industry organization or association. If the review committee sustains the cancellation of the license, the DQP may appeal the decision of such committee to the Administrator within 30 days from the date of such decision, and the Administrator to the Secretary, who, after providing notice and an opportunity for a hearing, shall make a final determination in the matter. If the Administrator finds, after providing the DQP whose license has been canceled with a notice and an opportunity for a hearing, that there is sufficient cause for the committee's determination regarding license cancellation, he shall issue a decision sustaining such determination. If he does not find that there was sufficient cause to cancel the license, the licensing organization or association shall reinstate the license.~~

~~(2) Each horse industry organization or association having a Department certified DQP program shall cancel the license of any DQP licensed under its program who has been convicted of any violation of the Act or regulations or of any DQP who has paid a fine or civil penalty in settlement of any alleged violation of the Act or regulations if such alleged violation occurred after July 13, 1976.~~

~~(g) Revocation of DQP program certification of horse industry organizations or associations. Any horse industry organization or association having a Department certified DQP program that has not received Department approval of the inspection procedures provided for in paragraph (b)(6) of this section, or that otherwise fails to comply with the requirements contained in this part, may have such certification of its DQP program revoked, unless, upon written notification from the Department of such failure to comply with the requirements in this section, such~~

~~organization or association takes immediate action to rectify such failure and takes appropriate steps to prevent a recurrence of such noncompliance within the time period specified in the Department notification, or otherwise adequately explains such failure to comply to the satisfaction of the Department. Any horse industry organization or association whose DQP program certification has been revoked may appeal such revocation to the Administrator in writing within 30 days after the date of such revocation and, if requested, shall be afforded an opportunity for a hearing. All DQP licenses issued by a horse industry organization or association whose DQP program certification has been revoked shall expire 30 days after the date of such revocation, or 15 days after the date the revocation becomes final after appeal, unless they are transferred to a horse industry organization or association having a program currently certified by the Department.~~

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Title 9. Animals and Animal Products

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Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.20 Responsibilities and liabilities of management.

(a) The management of any horse show, horse exhibition, or horse sale or auction which does not appoint and retain an Inspector ~~DQP~~ shall be responsible for identifying all horses that are sore or otherwise in violation of the Act or regulations, and shall disqualify or disallow any horses which are sore or otherwise in violation of the Act or regulations from participating or competing in any horse show, horse exhibition, horse sale, or horse auction, and shall, within 24 hours, alert the Administrator as to any violation. Horses entered for sale or auction at a horse sale or horse auction must be identified as sore or otherwise in violation of the Act or regulations prior to the sale or auction and prohibited from entering the sale or auction ring. Sore horses or horses otherwise in violation of the Act or regulations that have been entered in a horse show or horse exhibition for the purpose of show or exhibition must be identified and excused prior to the show or exhibition. Any horses found to be sore or otherwise in violation of the Act or regulations during actual participation in the show or exhibition, must be removed from further participation prior to the tying of the class or the completion of the exhibition. All horses tied first in each Walking Horse Tennessee Walking Horse or racking horse class or event at any horse show or horse exhibition shall be inspected after being shown or exhibited to determine if such horses are sore or otherwise in violation of the Act or regulations.

(b)(1) The management of any horse show, horse exhibition, horse sale or auction which ~~designates and appoints an Inspector Designated Qualified Person (or persons)~~ to inspect horses shall accord said ~~DQP-Inspector~~ access to all records and areas of the grounds of such show, exhibition, sale, or auction and the same right to inspect horses and records as is accorded to any APHIS representative. Further, management shall not take any action which would interfere with or influence said Inspector ~~DQP~~ in carrying out his duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations. In the event management is dissatisfied with the performance of a particular Inspector~~DQP~~, including disagreement with decisions concerning violations, management shall not dismiss or otherwise interfere with said Inspector ~~DQP~~ during the Inspector's ~~DQP's~~ appointed tour of

duty. However, management should immediately notify, in writing, the Department ~~and the organization or association that licensed the DQP~~, as to why the performance of said Inspector DQP was inadequate or otherwise unsatisfactory. Management which ~~designates and appoints an Inspector DQP~~ shall immediately disqualify or disallow from being shown, exhibited, sold, or auctioned any horse identified by the Inspector DQP to be sore or otherwise in violation of the Act or regulations or any horse otherwise known by management to be sore or in violation of the Act or regulations. Should management fail to disqualify or disallow from being shown, exhibited, sold or auctioned any such horse, said management shall assume full responsibility for and liabilities arising from the showing, exhibition, sale, or auction of said horses.

(2) The ~~DQP-Inspector~~ shall physically inspect: (i) All Walking Horses Tennessee Walking Horses and racking horses entered for sale or auction, (ii) all Walking Horses Tennessee Walking Horses and racking horses entered in any animated gait class (whether under saddle, horse to cart, or otherwise), (iii) all Walking Horses Tennessee Walking Horses and racking horses entered for exhibition before they are admitted to be shown, exhibited, sold, or auctioned, and (iv) all Walking Horses Tennessee Walking Horses and racking horses tied first in their class or event at any horse show, horse exhibition, horse sale, or horse auction. Such inspection shall be for the purpose of determining whether any such horses are in violation of the Act or regulations. Such physical examination shall be conducted in accordance with the inspection procedures provided for in § 11.21 of this part. The Inspector DQP shall observe horses in the warmup ring and during actual performances whenever possible, and shall inspect any Walking Horse Tennessee Walking Horse or racking horse at any time he deems necessary to determine whether any such horse shown, exhibited, sold, or auctioned is in violation of the Act or regulations. If present at other shows, he shall examine any horse which he determines should be examined for compliance with the Act and regulations.

(3) The Inspector DQP shall immediately report, to the management of any horse show, horse exhibition, or horse sale or auction, any horse which, in his opinion, is sore or otherwise in violation of the Act or regulations. Such report shall be made, whenever possible, before the show class or exhibition involving said horse has begun or before said horse is offered for sale or auction.

(4) The Administrator shall maintain a current list of violations and all current disqualification periods for both exhibitors and horses on the APHIS website. All managers are responsible for consulting the current list of disqualifications within 24 hours prior to managing any horse show, exhibition, sale, or auction. Managers shall be deemed to have knowledge of all disqualifications as of the date the disqualifications are published on the APHIS website.

(5) The management of any horse show, horse exhibition, or horse sale or auction shall comply with, and adhere to, the penalties imposed by the Administrator by:

(i) Prohibiting any exhibitor who is disqualified or otherwise dismissed from showing or exhibiting a horse, judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction; and

(ii) Immediately disqualifying, dismissing, or disallowing from any show, exhibition, sale, or auction any horse who is found to be sore in accordance with § 11.20.

The failure of management to comply with this section, including to prohibit any exhibitor, or prohibit, disqualify, dismiss, or disallow any horse under this section, shall be subject to penalties in accordance with section 6 of the Act.

(c) The management of any horse show, exhibition, sale, or auction that ~~designates and~~ appoints an Inspector DQP to inspect horses shall appoint ~~and designate~~ at least two Inspectors DQP's when more than 150 horses are entered.

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§ 11.21 Inspection procedures for ~~designated—qualified—persons~~ (~~DQPs~~)Inspectors.

(a)(1) During the preshow inspection, the ~~DQP-Inspector~~ shall direct the custodian of the horse to walk and turn the horse in a manner that allows the Inspector DQP to determine whether the horse exhibits signs of soreness. The Inspector DQP shall determine whether the horse moves in a free and easy manner and is free of any signs of soreness.

(2) The Inspector DQP shall digitally palpate the front limbs of the horse from knee to hoof, with particular emphasis on the pasterns and fetlocks. The Inspector DQP shall examine the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface. The Inspector DQP shall apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continue the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse. While continuing to hold onto the pastern, the Inspector DQP shall extend the foot and leg of the horse to examine the front (extensor) surfaces, including the coronary band. The Inspector DQP may examine the rear limbs of all horses inspected after showing, and may examine the rear limbs of any horse examined preshow or on the showgrounds when he deems it necessary, except that the Inspector DQP shall examine the rear limbs of all horses exhibiting lesions on, or unusual movement of, the rear legs. While carrying out the procedures set forth in this paragraph, the Inspector DQP shall also inspect the horse to determine whether the provisions of § 11.3 of this part are being complied with, and particularly whether there is any evidence of inflammation, edema, or proliferating granuloma tissue.

(3) The Inspector DQP shall observe and inspect all horses for compliance with the provisions set forth in § 11.2(a) through § 11.2(c) of this part. All ~~action devices, pads, and other~~ equipment shall be observed and/or examined to assure that ~~they are it is~~ in compliance with the regulations. All such equipment on horses examined postshow, and on horses examined preshow that is not clearly in compliance, shall be weighed and/or measured.

(4) The Inspector ~~DQP~~ shall instruct the custodian of the horse to control it by holding the reins approximately 18 inches from the bit shank. The Inspector ~~DQP~~ shall not be required to examine a horse if it is presented in a manner that might cause the horse not to react to an Inspector's ~~DQP's~~ examination, or if whips, cigarette smoke, or other actions or paraphernalia are used to distract a horse during examination. All such incidents shall be reported to the show management and the Administrator ~~DQP licensing organization~~.

(b) The Inspector ~~DQP~~ shall inspect horses no more than three classes ahead of the time the inspected horses are to be shown, except that, in shows with fewer than 150 horses, the Inspector ~~DQP~~ shall inspect horses no more than 2 classes ahead of the time the inspected horses are to be shown. Inspected horses shall be held in a designated area that is under observation by the Inspector ~~DQP~~ or another APHIS representative. Horses shall not be permitted to leave the designated area before showing. Only the horse, the rider, the groom, the trainer, the Inspector ~~DQP(s)~~ and any other APHIS representatives shall be allowed in the designated area.

(c) The Inspector ~~DQP~~ may carry out additional inspection procedures as he deems necessary to determine whether the horse is sore.

~~(d) The HIO that licensed the DQP shall assess and enforce penalties for violations in accordance with § 11.25 and shall report all violations in accordance with § 11.20(b)(3).~~

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Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

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§ 11.22 Records required and disposition thereof.

(a) The management of any horse show, horse exhibition, or horse sale or auction, that contains Walking Horses ~~Tennessee Walking Horses or racking horses~~, shall maintain for a period of at least 90 days following the closing date of said show, exhibition, or sale or auction, all pertinent records containing:

(1) The dates and place of the horse show, horse exhibition, horse sale, or horse auction.

(2) The name and address (including street address or post office box number and ZIP code) of the sponsoring organization.

(3) The name and address of the horse show, exhibition, horse sale or horse auction management.

(4) The name and address (including street address or post office box number and ZIP code) of the ~~DQP~~ Inspector, if any, employed to conduct inspections under § 11.20; ~~and, the name of the horse industry organization or association certifying the DQP.~~

(5) The name and address (including street address or post office box number, and ZIP code) of each show judge.

(6) A copy of each class or sale sheet containing the names of horses, the names and addresses (including street address, post office box and ZIP code) of horse owners, the exhibitor number and class number, or sale number assigned to each horse, the show class or sale lot number, and the name and address (including street address, post office box, and ZIP code) of the person paying the entry fee and entering the horse in a horse show, horse exhibition, or horse sale or auction.

(7) A copy of the official horse show, horse exhibition, horse sale, or horse auction program, if any such program has been prepared.

(8) The identification of each horse, including the name of the horse, the name and address (including street address, post office box, and ZIP code) of the owner, the trainer, the rider or other exhibitor, and the location (including street address, post office box, and ZIP code) of the home barn or other facility where the horse is stabled.

(b) The management of any horse show, horse exhibition, or horse sale or auction containing Walking Horses ~~Tennessee Walking Horses or racking horses~~ shall designate a person to maintain the records required in this section.

(c) The management of any horse show, horse exhibition, or horse sale or auction containing Walking Horses ~~Tennessee Walking Horses or racking horses~~ shall furnish to any APHIS representative, upon request, the name and address (including street address, or post office box, and ZIP code) of the person designated by the sponsoring organization or manager to maintain the records required by this section.

(d) The Administrator may, in specific cases, require that a horse show, horse exhibition, or horse sale or auction records be maintained by management for a period in excess of 90 days.

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§ 11.23 Inspection of records.

(a) The management of any horse show, horse exhibition, or horse sale or auction shall permit any APHIS representative, upon request, to examine and make copies of any and all records pertaining to any horse, either required in any part of the regulations, or otherwise maintained, during ordinary business hours or such other times as may be mutually agreed upon. A room, table, or other facilities necessary for proper examination of such records shall be made available to the APHIS representative.

~~(b) Horse industry organizations or associations who train, maintain, and license DQP's under a certified DQP program shall permit any APHIS representative, upon request, to examine and copy any and all records relating to the DQP program which are required by any part of the~~

~~regulations. Such requests shall be made during ordinary business hours or such other times as mutually agreed upon. A room, table or other facilities necessary for proper examination shall be made available upon the request of the APHIS representative.~~

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§ 11.24 Reporting by management.

(a) Within 5 days following the conclusion of any horse show, horse exhibition, or horse sale or auction, containing Walking Horses~~Tennessee Walking Horses or racking horses~~, the managements of such show, exhibition, sale or auction shall submit to the Regional Director for the State in which the show, exhibition, sale or auction was held, the information required by § 11.22(a)(1) through (6) for each horse excused or disqualified by management or its representatives from being shown, exhibited, sold or auctioned, and the reasons for such action. If no horses are excused or disqualified, the management shall submit a report so stating.

(b) Within 5 days following the conclusion of any horse show, horse exhibition, or horse sale or auction which does not contain Walking Horses~~Tennessee Walking Horses or racking horses~~, the management of such show, exhibition, sale or auction shall inform the Regional Director for the State in which the show, exhibition, sale or auction was held, of any case where a horse was excused or disqualified by management or its representatives from being shown, exhibited, sold or auctioned because it was found to be sore.

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§ 11.25 Minimum Agency policy regarding penalties to be assessed and enforced by HIOs that license DQPs.

(a) It is the policy of the Administrator to vigorously enforce the provisions of this part through the use of disqualification periods consistent with the goals and provisions of the Act. Accordingly, Rulebook. Each HIO that licenses DQPs in accordance with § 11.7 must include in its rulebook, and enforce, the Administrator may impose disqualification periods consistent with section 6 of the Act, and in compliance with the procedures provided for therein, including extended disqualification for repeat violations. In addition, the Administrator may require management to disqualify sore horses from being shown, exhibited, sold or auctioned in any horse show, horse exhibition, or horse sale or auction for established periods of time beyond the horse show, horse exhibition, or horse sale or auction at which the horse is found to be sore, for the violations listed in this section that equal or exceed the penalties listed in paragraph (c) of this section and must also enforce the requirement in paragraph (d) of this section.

(b) ~~Suspensions~~Disqualifications.

(1) Disqualification may be imposed on any individual who is found to be in in violation of the Act, including ~~For the violations listed in paragraph (c) of this section that require a suspension,~~ any individuals who are responsible for showing the horse, exhibiting the horse, entering or allowing the entry of the horse in a show or exhibition, selling the horse, auctioning the horse, or offering the horse for sale or auction ~~must be suspended~~. This may include, but may not be limited to, the manager, trainer, rider, custodian, or seller, as applicable. In addition, if the owner allowed any activity listed in this paragraph, the owner ~~must~~may be ~~suspended~~ disqualified as well.

(2) Disqualification may be imposed on ~~A~~any person who is responsible for the shipping, moving, delivering, or receiving of any horse that is found to be ~~bilaterally sore or unilaterally sore as defined in section 11.1 of this part in paragraph (c) of this section,~~ in violation of the scar rule in § 11.3, or in violation of the prohibition against the use of foreign substances in § 11.2(c), with reason to believe that such horse was to be shown, exhibited, entered for the purpose of being shown or exhibited, sold, auctioned, or offered for sale in any horse show, horse exhibition, or horse sale or auction, ~~must be suspended~~; Provided, that this requirement does not apply if the horse was transported by a common or contract carrier or an employee thereof in the usual course of the carrier's business or the employee's employment, unless the carrier or employee had reason to believe that the horse was sore.

(3) A person who is ~~suspended~~disqualified ~~must~~shall not be permitted to show or exhibit any horse or judge or manage or otherwise participate in any horse show, horse exhibition, or horse sale or auction for the duration of the ~~suspension~~disqualification.

(4) Any person with multiple ~~suspensions~~ disqualifications ~~must~~shall serve them consecutively, not concurrently.

(c) ~~Minimum penalties—~~

(1) ~~Bilateral sore. A horse is found to be sore in both its forelimbs or hindlimbs. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction. First offense: Suspension for 1 year. Second offense: Suspension for 2 years. Third offense and any subsequent offenses: Suspension for 4 years.~~

(2) ~~Unilateral sore. A horse is found to be sore in one of its forelimbs or hindlimbs. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction. First offense: Suspension for 60 days. Second offense: Suspension for 120 days. Third offense and any subsequent offenses: Suspension for 1 year.~~

(3) ~~Scar rule violation. A horse is found to be in violation of the scar rule in § 11.3. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction. First offense: Suspension for 2 weeks (14 days). Second offense: Suspension for 60 days. Third offense and any subsequent offenses: Suspension for 1 year.~~

~~(4) Foreign substance violations. Violations of the prohibition against the use of foreign substances in § 11.2(c).~~

~~(i) Before or during the show, exhibition, sale, or auction. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.~~

~~(ii) After the show, exhibition, sale, or auction. Suspension for 2 weeks (14 days). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.~~

~~(5) Equipment violation. Violations of the equipment-related prohibitions in § 11.2(b)(1) through (b)(10) and (b)(12) through (b)(17).~~

~~(i) Before or during the show, exhibition, sale, or auction. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.~~

~~(ii) After the show, exhibition, sale, or auction. Suspension for 2 weeks (14 days). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.~~

~~(6) Shoeing violation. Violation of the shoeing-related prohibitions in § 11.2(b)(18) and (b)(19). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.~~

~~(7) Heel-toe ratio. Violation of the heel-toe ratio requirement in § 11.2(b)(11). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.~~

~~(8) Suspension violation. A violation of any suspension penalty previously issued. Suspension for an additional 6 months (180 days) for each occurrence.~~

~~(d) Unruly or fractious horse. A horse that cannot be inspected in accordance with § 11.21. The horse must be dismissed from the individual class for which it was to be inspected.~~

~~(e) Appeals. The HIO must provide a process in its rulebook for alleged violators to appeal penalties. The process must be approved by the Department. For all appeals, the appeal must be granted and the case heard and decided by the HIO or the violator must begin serving the penalty within 60 days of the date of the violation. The HIO must submit to the Department all decisions on penalty appeals within 30 days of the completion of the appeal. When a penalty is overturned on appeal, the HIO must also submit evidence composing the record of the HIO's decision on the appeal.~~

~~(b)f) Departmental prosecution. The Department retains the authority to initiate enforcement proceedings with respect to any violation of the Act, including violations for which penalties are assessed in accordance with this section, and to impose the penalties authorized by the Act if the Department determines that such actions are necessary to fulfill the purpose of the Act and this part. In addition, tThe Department reserves the right to inform the Attorney General of any violation of the Act or of this part, including violations for which penalties are assessed in accordance with this section.~~

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Title 9. Animals and Animal Products

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Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses.

(a) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, any horse with reason to believe such horse may be shown, exhibited, sold or auctioned at any horse show, horse exhibition, or horse sale or auction, shall allow and assist in the inspection of such horse at any such show, exhibition, sale, or auction to determine compliance with the Act as provided in § 11.4 of the regulations and shall furnish to any APHIS representatives upon his request the following information:

(1) Name and address (including street address, post office box, and ZIP code) of the horse owner and of the shipper, if different from the owner or trainer.

(2) Name and address (including street address, post office box, and ZIP code) of the horse trainer.

(3) Name and address (including street address, post office box, and ZIP code) of the carrier transporting the horse, and of the driver of the means of conveyance used.

(4) Origin of the shipment and date thereof, and,

(5) Destination of shipment.

(b) [Reserved]

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~~Part 11. Horse Protection Regulations~~

~~**§ 11.41 Reporting required of horse industry organizations or associations.**~~

~~Each horse industry organization or association which sponsors, or which sanctions any horse show, horse exhibition, or horse sale or auction, shall furnish the Department by March 1 of each year with all such organization or association rulebooks, and disciplinary procedures for the previous year pertaining to violations of the Horse Protection Act or regulations, applicable to such horse show, horse exhibition, or horse sale or auction. Rulebooks and information relating to disciplinary procedures for violations of the Horse Protection Act or regulations should be readily available to all exhibitors, trainers, and owners of horses at such show, exhibition, sale, or auction. Each horse industry organization or association shall furnish the Department with a quarterly report of all disciplinary actions taken against the management or of any horse show,~~

~~horse exhibition, horse sale, or horse auction, any exhibitor, or any licensed DQPInspector, for violation of the Horse Protection Act or regulations, and the results thereof.~~

EXHIBIT 2

Petitioner's Proposed Amendments to 9 C.F.R. Part 11¹

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Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.1 Definitions.

For the purpose of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also impart the plural and the masculine form shall also impart the feminine. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage or general usage as reflected by definition in a standard dictionary, such as "Webster's."

Act means the Horse Protection Act of 1970 (Pub.L. 91-540) as amended by the Horse Protection Act Amendments of 1976 and any legislation amendatory thereof.

Action device means any boot, collar, chain, roller, or other device which encircles or is placed upon the lower extremity of the leg of a horse in such a manner that it can either rotate around the leg, or slide up and down the leg so as to cause friction, or which can strike the hoof, coronet band, fetlock joint, or pastern. Such term does not include soft rubber or soft leather bell boots or quarter boots that are used as protective devices.

Administrator means the Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS) means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

APHIS representative means any employee of APHIS, any inspector licensed by APHIS pursuant to section 11.7 of this part, or any officer or employee of any State agency who is authorized by the Administrator to perform inspections or any other functions authorized by the Act, including the inspection of the records of any horse show, horse exhibition, horse sale or horse auction.

APHIS Show Veterinarian means the APHIS Doctor of Veterinary Medicine responsible for the immediate supervision and conduct of the Department's activities under the Act at any horse show, horse exhibition, horse sale or horse auction.

Department means the United States Department of Agriculture.

¹ This version of Petitioner's proposed regulations is provided for ease of readability. It contains language that Petitioner requests the agency to include in its regulations, which appears in underlined text. It does not contain language that Petitioner requests the agency to remove from its regulations.

Exhibitor means (1) any person who enters any horse, any person who allows his horse to be entered, or any person who directs or allows any horse in his custody or under his direction, control or supervision to be entered in any horse show or horse exhibition; (2) any person who shows or exhibits any horse, any person who allows his horse to be shown or exhibited, or any person who directs or allows any horse in his custody or under his direction, control, or supervision to be shown or exhibited in any horse show or horse exhibition; (3) any person who enters or presents any horse for sale or auction, any person who allows his horse to be entered or presented for sale or auction, or any person who allows any horse in his custody or under his direction, control, or supervision to be entered or presented for sale or auction in any horse sale or horse auction; or (4) any person who sells or auctions any horse, any person who allows his horse to be sold or auctioned, or any person who directs or allows any horse in his custody or under his direction, control, or supervision to be sold or auctioned.

Horse means any member of the species *Equus caballus*.

Horse exhibition means a public display of any horses, singly or in groups, but not in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides.

Horse industry organization or association means an organized group of people, having a formal structure, who are engaged in the promotion of horses through the showing, exhibiting, sale, auction, registry, or any activity which contributes to the advancement of the horse.

Horse sale or horse auction means any event, public or private, at which horses are sold or auctioned, regardless of whether or not said horses are exhibited prior to or during the sale or auction.

Horse show means a public display of any horses, in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides.

Inspection means the examination of any horse and any records pertaining to any horse by use of whatever means are deemed appropriate and necessary for the purpose of determining compliance with the Act and regulations. Such inspection may include, but is not limited to, visual examination of a horse and records, actual physical examination of a horse including touching, rubbing, palpating and observation of vital signs, and the use of any diagnostic device or instrument, and may require the removal of any shoe, pad, action device, or any other equipment, substance or paraphernalia from the horse when deemed necessary by the person conducting such inspection.

Inspector means a person meeting the requirements specified in § 11.7 of this part who has been licensed by the Secretary and who may be appointed and delegated authority by the management of any horse show, horse exhibition, horse sale or horse auction under section 4 of the Act to detect or diagnose horses which are sore or to otherwise inspect horses and any records pertaining to such horses for the purposes of enforcing the Act.

Management means any person or persons who organize, exercise control over, or administer or are responsible for organizing, directing, or administering any horse show, horse exhibition,

horse sale or horse auction and specifically includes, but is not limited to, the sponsoring organization and show manager.

Person means any individual, corporation, company, association, firm, partnership, society, organization, joint stock company, or other legal entity.

Regional Director means the APHIS veterinarian who is assigned by the Administrator to supervise and perform official duties of APHIS under the Act in a specified State or States.

Secretary means the Secretary of Agriculture or anyone who has heretofore or may hereafter be delegated authority to act in his stead.

Show manager means the person who has been delegated primary authority by a sponsoring organization for managing a horse show, horse exhibition, horse sale or horse auction.

Sore when used to describe a horse means:

(1) An irritating or blistering agent has been applied, internally or externally by a person to any limb of a horse,

(2) Any burn, cut, or laceration has been inflicted by a person on any limb of a horse,

(3) Any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or

(4) A horse who has been shod or its hooves have been trimmed in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving.

(5) Any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

Sponsoring organization means any person under whose immediate auspices and responsibility a horse show, horse exhibition, horse sale, or horse auction is conducted.

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

Walking Horse means a horse from one of the following breeds: Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse.

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§ 11.2 Prohibitions concerning exhibitors.

(a) Specific prohibitions concerning Walking Horses. The use of any of the following devices, equipment, or practices is prohibited with respect to any Walking Horse at any horse show, horse exhibition, or horse sale or auction:

(1) Any action device;

(2) Any pad, wedge, or hoof band;

(3) Any horse shoe weighing more than 18 ounces;

(4) Toe length less than 3 inches, not including the thickness of the shoe, and greater than 5 inches, including the thickness of the shoe. The length of the toe shall be measured from the coronet band, at the center of the front pastern along the front of the hoof wall to the ground. The heel shall be measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, not including normal caulks at the rear of a horseshoe that do not exceed 3/4 inch in length. That portion of caulk at the rear of a horseshoe in excess of 3/4 of an inch shall be added to the height of the heel in determining the heel/toe ratio;

(5) Artificial extension of the toe length, whether accomplished with pads, acrylics or any other material or combinations thereof, that exceeds 50 percent of the natural hoof length, as measured from the coronet band, at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe. The artificial extension shall be measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface of the shoe.

(6) Single or double rocker-bars on the bottom surface of horseshoes which extend more than 1 1/2 inches back from the point of the toe, or which would cause, or could reasonably be expected to cause, an unsteadiness of stance in the horse with resulting muscle and tendon strain due to the horse's weight and balance being focused upon a small fulcrum point;

(7) Shoeing a horse, or trimming a horse's hoof in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving;

(8) Lead or other weights attached to the outside of the hoof wall or the outside surface of the horseshoe and hollow shoes or artificial extensions filled with mercury or similar substances;

(9) Any weight on yearling horses (horses up to 2 years old), except a keg or similar conventional horseshoe, and any horseshoe on yearling horses that weighs more than 16 ounces; and

(10) Any other device, material, method, practice, or substance if such use causes or can reasonably be expected to cause such horse to be sore.

(b) Specific prohibitions concerning any horse other than a Walking Horse at any horse show, horse exhibition, or horse sale or auction. The use of any of the following devices, equipment, or practices on any horse other than a Walking Horse at any horse show, horse exhibition, or horse sale or auction is prohibited:

(1) All beads, bangles, rollers, and similar devices, with the exception of rollers made of lignum vitae (hardwood), aluminum, or stainless steel, with individual rollers of uniform size, weight and configuration, provided each such device may not weigh more than 6 ounces, including the weight of the fastener.

(2) Chains weighing more than 6 ounces each, including the weight of the fastener.

(3) Chains with links that are not of uniform size, weight and configuration; and, chains that have twisted links or double links.

(4) Chains that have drop links on any horse that is being ridden, worked on a lead, or otherwise worked out or moved about.

(5) More than one action device on any one limb of a horse.

(6) Chains or lignum vitae, stainless steel, or aluminum rollers which are not smooth and free of protrusions, projections, rust, corrosion, or rough or sharp edges.

(7)(i) Boots, collars, or any other devices, with protrusions or swellings, or rigid, rough, or sharp edges, seams or any other abrasive or abusive surface that may contact a horse's leg; and

(ii) Boots, collars, or any other devices that weigh more than 6 ounces, except for soft rubber or soft leather bell boots and quarter boots that are used as protective devices.

(8) Pads or other devices on yearling horses that elevate or change the angle of such horses' hooves in excess of 1 inch at the heel.

(9) Any weight on yearling horses, except a keg or similar conventional horseshoe, and any horseshoe on yearling horses that weighs more than 16 ounces.

(10) Artificial extension of the toe length, whether accomplished with pads, acrylics or any other material or combinations thereof, that exceeds 50 percent of the natural hoof length, as measured from the coronet band, at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe. The artificial extension shall be measured

from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface of the shoe.

(11) Toe length that does not exceed the height of the heel by 1 inch or more. The length of the toe shall be measured from the coronet band, at the center of the front pastern along the front of the hoof wall to the ground. The heel shall be measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, not including normal caulks at the rear of a horseshoe that do not exceed 3/4 inch in length. That portion of caulk at the rear of a horseshoe in excess of 3/4 of an inch shall be added to the height of the heel in determining the heel/toe ratio.

(12) Pads that are not made of leather, plastic, or a similar pliant material.

(13) Any object or material inserted between the pad and the hoof other than acceptable hoof packing, which includes pine tar, oakum, live rubber, sponge rubber, silicone, commercial hoof packing or other substances used to maintain adequate frog pressure or sole consistency.

(14) Single or double rocker-bars on the bottom surface of horseshoes which extend more than 1 1/2 inches back from the point of the toe, or which would cause, or could reasonably be expected to cause, an unsteadiness of stance in the horse with resulting muscle and tendon strain due to the horse's weight and balance being focused upon a small fulcrum point.

(15) Metal hoof bands, such as used to anchor or strengthen pads and shoes, placed less than 1/2 inch below the coronet band.

(16) Metal hoof bands that can be easily and quickly loosened or tightened by hand, by means such as, but not limited to, a wing-nut or similar fastener.

(17) Any action device or any other device that strikes the coronet band of the foot of a horse except for soft rubber or soft leather bell boots that are used as protective devices.

(18) Shoeing a horse, or trimming a horse's hoof in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving.

(19) Lead or other weights attached to the outside of the hoof wall, the outside surface of the horseshoe, or any portion of the pad except the bottom surface within the horseshoe. Pads may not be hollowed out for the purpose of inserting or affixing weights, and weights may not extend below the bearing surface of the shoe. Hollow shoes or artificial extensions filled with mercury or similar substances are prohibited.

(c) Substances. All substances are prohibited on the extremities above the hoof of any Walking Horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction.

(d) Competition restrictions--2 Year-Old Horses. Horse show or horse exhibition workouts or performances of 2-year-old Walking Horses and working exhibitions of 2-year-old Walking Horses (horses eligible to be shown or exhibited in 2-year-old classes) at horse sales or horse auctions that exceed a total of 10 minutes continuous workout or performance without a minimum 5-minute rest period between the first such 10-minute period and the second such 10-minute period, and, more than two such 10-minute periods per performance, class, or workout are prohibited.

(e) Information requirements--horse related. Failing to provide information or providing any false or misleading information required by the Act or regulations or requested by Department representatives, by any person that owns, trains, shows, exhibits, or sells or has custody of, or direction or control over any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, horse exhibition, or horse sale or auction is prohibited. Such information shall include, but is not limited to: Information concerning the registered name, markings, sex, age, and legal ownership of the horse; the name and address of the horse's training and/or stabling facilities; the name and address of the owner, trainer, rider, any other exhibitor, or other legal entity bearing responsibility for the horse; the class in which the horse is entered or shown; the exhibitor identification number; and, any other information reasonably related to the identification, ownership, control, direction, or supervision of any such horse.

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§ 11.3 Scar rule.

The following criteria apply to all horses born on any date from October 1, 1975 through October 1, 2013:

(a) The anterior 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.

(b) The posterior surfaces of the pasterns (flexor surface), including the sulcus or "pocket" may show bilateral areas of uniformly thickened epithelial tissue if such areas are free of proliferating granuloma tissue, irritation, moisture, edema, or other evidence of inflammation.

The following criteria apply to horses born after October 1, 2013: 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.

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§ 11.4 Inspection and detention of horses.

For the purpose of effective enforcement of the Act:

(a) Each horse owner, exhibitor, trainer, or other person having custody of, or responsibility for, any horse at any horse show, horse exhibition, or horse sale or auction, shall allow any APHIS representative to reasonably inspect such horse at all reasonable times and places the APHIS representative may designate. Such inspections may be required of any horse which is stabled, loaded on a trailer, being prepared for show, exhibition, or sale or auction, being exercised or otherwise on the grounds of, or present at, any horse show, horse exhibition, or horse sale or auction, whether or not such horse has or has not been shown, exhibited, or sold or auctioned, or has or has not been entered for the purpose of being shown or exhibited or offered for sale or auction at any such horse show, horse exhibition, or horse sale or auction. APHIS representatives will not generally or routinely delay or interrupt actual individual classes or performances at horse shows, horse exhibitions, or horse sales or auctions for the purpose of examining horses, but they may do so in extraordinary situations, such as but not limited to, lack of proper facilities for inspection, refusal of management to cooperate with Department inspection efforts, reason to believe that failure to immediately perform inspection may result in the loss, removal, or masking of any evidence of a violation of the Act or the regulations, or a request by management that such inspections be performed by an APHIS representative.

(b) When any APHIS representative notifies the owner, exhibitor, trainer, or other person having custody of or responsibility for a horse at any horse show, horse exhibition, or horse sale or auction that APHIS desires to inspect such horse, it shall not be moved from the horse show, horse exhibition, or horse sale or auction until such inspection has been completed and the horse has been released by an APHIS representative.

(c) For the purpose of examination, testing, or taking of evidence, APHIS representatives may detain for a period not to exceed 24 hours any horse, at any horse show, horse exhibition, or horse sale or auction, which is sore or which an APHIS veterinarian has probable cause to believe is sore. Such detained horse may be marked for identification and any such identifying markings shall not be removed by any person other than an APHIS representative.

(d) Detained horses shall be kept under the supervision of an APHIS representative or secured under an official USDA seal or seals in a horse stall, horse trailer, or other facility to which access shall be limited. It shall be the policy of APHIS to have at least one representative present in the immediate detention area when a horse is being held in detention. The official USDA seal

or seals may not be broken or removed by any person other than an APHIS representative, unless:

(1) The life or well-being of the detained horse is immediately endangered by fire, flood, windstorm, or other dire circumstances that are beyond human control.

(2) The detained horse is in need of such immediate veterinary attention that its life may be in peril before an APHIS representative can be located.

(3) The horse has been detained for a maximum 24-hour detention period, and an APHIS representative is not available to release the horse.

(e) The owner, exhibitor, trainer, or other person having custody of or responsibility for any horse detained by APHIS for further examination, testing, or the taking of evidence shall be allowed to feed, water, and provide other normal custodial and maintenance care, such as walking, grooming, etc., for such detained horse: Provided, That:

(1) Such feeding, watering, and other normal custodial and maintenance care of the detained horse is rendered under the direct supervision of an APHIS representative.

(2) Any non-emergency veterinary care of the detained horse requiring the use, application, or injection of any drugs or other medication for therapeutic or other purposes is rendered by a Doctor of Veterinary Medicine in the presence of an APHIS representative and, the identity and dosage of the drug or other medication used, applied, or injected and its purpose is furnished in writing to the APHIS representative prior to such use, application, or injection by the Doctor of Veterinary Medicine attending the horse. The use, application, or injection of such drug or other medication must be approved by the APHIS Show Veterinarian or his appointed representative.

(f) It shall be the policy of APHIS to inform the owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse allegedly found to be in violation of the Act or the regulations of such alleged violation or violations before the horse is released by an APHIS representative.

(g) The owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse or horses that an APHIS representative determines shall be detained for examination, testing, or taking of evidence pursuant to paragraph (e) of this section shall be informed after such determination is made and shall allow said horse to be immediately put under the supervisory custody of APHIS or secured under official USDA seal as provided in paragraph (d) of this section until the completion of such examination, testing, or gathering of evidence, or until the 24-hour detention period expires.

(h) The owner, trainer, exhibitor, or other person having custody of or responsibility for any horse allegedly found to be in violation of the Act or regulations, and who has been notified of such alleged violation by an APHIS representative as stated in paragraph (f) of this section, may request reexamination and testing of said horse within a 24-hour period: Provided, That:

(1) Such request is made to the APHIS Show Veterinarian immediately after the horse has been examined by APHIS representatives and before such horse has been removed from the APHIS inspection facilities; and

(2) The APHIS Show Veterinarian determines that sufficient cause for reexamination and testing exists; and

(3) The horse is maintained under APHIS supervisory custody as prescribed in paragraph (d) of this section until such reexamination and testing has been completed.

(i) The owner, exhibitor, trainer, or other person having custody of, or responsibility for any horse being inspected shall render such assistance as the APHIS representative may request for purposes of such inspection.

(ii) [Reserved]

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§ 11.5 Access to premises and records.

Requirements regarding access to premises for inspection of horses and records are as follows:

(a) Management.

(1) The management of any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, provide APHIS representatives with unlimited access to the grandstands, sale ring, barns, stables, grounds, offices, and all other areas of any horse show, horse exhibition, or horse sale or auction, including any adjacent areas under their direction, control, or supervision for the purpose of inspecting any horses, or any records required to be kept by regulation or otherwise maintained.

(2) The management of any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, provide APHIS representatives with an adequate, safe, and accessible area for the visual inspection and observation of horses while such horses are competitively or otherwise performing at any horse show or horse exhibition, or while such horses are being sold or auctioned or offered for sale or auction at any horse sale or horse auction.

(b) Exhibitors.

(1) Each horse owner, exhibitor, or other person having custody of or responsibility for any horse at any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, admit any APHIS representative or Inspector appointed by

management, to all areas of barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other show, exhibition, or sale or auction grounds or related areas at any horse show, horse exhibition, or horse sale or auction, for the purpose of inspecting any such horse at any and all reasonable times.

(2) Each owner, trainer, exhibitor, or other person having custody of or responsibility for, any horse at any horse show, horse exhibition, or horse sale or auction shall promptly present his horse for inspection upon notification, orally or in writing, by any APHIS representative or Inspector appointed by management, that said horse has been selected for examination for the purpose of determining whether such horse is in compliance with the Act and regulations.

(c) Nothing in this section shall be interpreted to preclude any payment provided by the management of any horse show, horse exhibition, or horse sale or auction to inspectors for purposes of providing inspection services in accordance with section 11.20 of this Part.

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§ 11.6 Inspection space and facility requirements.

The management of every horse show, horse exhibition, or horse sale or auction, containing Walking Horses, shall provide, without fee, sufficient space and facilities for APHIS representatives to carry out their duties under the Act and regulations at every horse show, horse exhibition, or horse sale or auction, containing Walking Horses, whether or not management has received prior notification or otherwise knows that such show may be inspected by APHIS. The management of every horse show, horse exhibition, horse sale or auction which does not contain Walking Horses shall provide, without fee, such sufficient space and facilities when requested to do so by APHIS representatives. With respect to such space and facilities, it shall be the responsibility of management to provide at least the following:

(a) Sufficient space in a convenient location to the horse show, horse exhibition, or horse sale or auction arena, acceptable to the APHIS Show Veterinarian, in which horses may be physically, thermographically, or otherwise inspected.

(b) Protection from the elements of nature, such as rain, snow, sleet, hail, windstorm, etc., if required by the APHIS Show Veterinarian.

(c) A means to control crowds or onlookers in order that APHIS personnel may carry out their duties without interference and with a reasonable measure of safety, if requested by the APHIS Show Veterinarian.

(d) An accessible, reliable, and convenient 110-volt electrical power source, if electrical service is available at the show, exhibition, or sale or auction site and is requested by the APHIS Show Veterinarian.

(e) An appropriate area adjacent to the inspection area for designated horses to wait for inspection, and an area to be used for detention of horses.

Nothing in this section shall be interpreted to preclude any payment provided by the management of any horse show, horse exhibition, or horse sale or auction to inspectors for purposes of providing inspection services in accordance with section 11.20 of this Part.

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§ 11.7 Certification and licensing of Inspectors.

(a) Appointment by Management. Upon request by the management of any horse show, horse exhibition, horse sale, or horse auction, the Administrator shall designate an Inspector(s), who holds a valid, current license issued in accordance with this part and who is available, to be appointed and retained with payment for inspection services by the management as a qualified person in accordance with section 4(c) of the Act to inspect horses to detect or diagnose soring and to otherwise inspect horses, or any records pertaining to any horse for the purpose of enforcing the Act.

(b) Basic Qualifications. Individuals who may be licensed as Inspectors under this part shall be:

(1) Doctors of Veterinary Medicine who are accredited in any State by the United States Department of Agriculture under part 161 of chapter I, title 9 of the Code of Federal Regulations, and who are:

(i) Members of the American Association of Equine Practitioners, or

(ii) Large animal practitioners with substantial equine experience, or

(iii) Knowledgeable in the area of equine lameness as related to soring and soring practices (such as Doctors of Veterinary Medicine with a small animal practice who own, train, judge, or show horses, or Doctors of Veterinary Medicine who teach equine related subjects in an accredited college or school of veterinary medicine).

(2) Farriers, horse trainers, and other knowledgeable horsemen whose knowledge, experience, and training provide them with the capability to identify horses that are sore in accordance with the requirements of the Act and this part.

In issuing licenses under this section, the Administrator shall give preference to persons who are licensed or accredited veterinarians.

The Administrator shall develop additional criteria, consistent with this paragraph, to be used in selecting Inspector candidates, the minimum qualifications and knowledge regarding horses, and the standards of performance and conduct each candidate must have and maintain in order to be admitted to and retained in the program.

(c) Inspector Conflicts of Interest. No person may be licensed as an Inspector, have his license renewed as an Inspector, or, if licensed, perform the duties of an Inspector, unless he or she is free of any personal and professional conflicts of interest that could interfere with the objective and unbiased performance of the Inspector's responsibilities. Such conflicts of interest include, but are not limited to:

(1) Being employed by the Management of any horse show, horse exhibition, sale or auction for which the Inspector has been appointed pursuant to paragraph (a) of this section, or having any contractual relationship with or financial interest in such Management, other than being appointed to provide inspection services;

(2) Entering, owning, training or offering for sale a horse in any horse show, horse exhibition, sale or auction for which the Inspector has been appointed pursuant to paragraph (a) of this section;

(3) Inspecting any horse entered, owned, trained, exhibited or offered for sale by:

(i) A member of the Inspector's immediate family;

(ii) The Inspector's employer, or any stockholder, director, officer, member, limited or general partner, employee or agent of such employer, or members of the immediate family of such persons;

(iii) An employee of the Inspector, or any member of such employee's immediate family;

(iv) A customer or client of the Inspector, or of any person that employs the Inspector; or members of the immediate family of such persons; or

(v) Any person who is the co-owner of, or has a financial interest in, any business owned or controlled by the Inspector;

Prior to the issuance or renewal of an inspector's license the Inspector shall submit to the Administrator a statement, in the form prescribed by the Administrator, certifying compliance with this paragraph.

(d) Training of Inspectors. The Administrator shall on an annual basis develop a formal training curriculum and materials for new Inspector candidates, and a renewal curriculum for previously licensed Inspectors, on an annual basis, which shall, at a minimum, include:

(1) The substantive and procedural requirements of the Act and these regulations;

(2) The authority, responsibilities, and reporting obligations of an Inspector;

(3) The history of soring, and the methods and practices used to sore horses;

(4) The anatomy and physiology of the limbs of a horse, with particular reference to known and suspected soring practices, and known and suspected techniques to mask or disguise the effects of such practices;

(5) The physical examination procedures (including the use of thermography, chemical swabbing, digital palpation, and other techniques) to be employed by Inspectors to detect and diagnose sore horses;

(6) Gathering and preserving evidence of the inspection process and recordkeeping;

(7) Standards of conduct relating to the performance of the Inspector's responsibilities under the Act and regulations, and the avoidance of any real or perceived conflict of interest;

(8) Practical instruction in clinics and seminars utilizing live horses with actual application of the knowledge gained in the classroom subjects covered in this paragraph, with emphasis on the methods and procedures required to perform a thorough and uniform examination of a horse; and

(9) Procedures for monitoring horses in the unloading, preparation, warmup, and barn areas, or other such areas. Such monitoring may include any horse that is stabled, loaded on a trailer, being prepared for show, exhibition, sale, or auction, or exercised, or that is otherwise on the grounds of, or present at, any horse show, horse exhibition, or horse sale or auction.

(e) Licensing of Inspectors. The Administrator may issue an annual license to any Inspector candidate provided that the requirements of this section are met. The Administrator shall:

(1) Issue to each Inspector licensed pursuant to this section a numbered identification card bearing the name and personal signature of the Inspector, a picture of the Inspector, and the name and address, including the street address or post office box, zip code, telephone number, and email address of the APHIS representative to whom inquiries concerning the Inspector should be directed;

(2) Not license or renew the license of any person as an Inspector if such person:

(a) Has been convicted of any violation of the Act or regulations, or paid any fine or civil penalty in settlement of any proceeding regarding a violation of the Act or regulations, had his license cancelled pursuant to paragraph (g) of this section, been disqualified pursuant to section 6(c) of the Act, or otherwise been disqualified by the Secretary from making detection, diagnosis, or inspection for the purpose of enforcing the Act pursuant to a license issued by the Administrator;
or

(b) While a DQP licensed by a Horse Industry Organization pursuant to former sections 11.7(b) and (c) of these regulations, has been the subject of a letter of warning or request for the issuance

of a letter of warning by the Administrator, or disqualified by the Secretary from making detection, diagnosis, or inspection for the purpose of enforcing the Act; or

(c) Has been disqualified or fined or had his license cancelled by any Horse Industry Organization for conduct that violated the Act or regulations or any rule adopted by a Horse Industry Organization.

(3) Not license any person as an Inspector until such person has attended and worked two recognized horse shows, horse exhibitions, horse sales, or horse auctions as an apprentice Inspector and has demonstrated the ability, qualifications, knowledge and integrity required to satisfactorily execute the duties and responsibilities of an Inspector.

(f) Requirements to be met by Inspectors.

(1) Any licensed Inspector appointed by the management of any horse show, horse exhibition, horse sale or auction to inspect horses for the purpose of detecting and determining or diagnosing horses which are sore and to otherwise inspect horses for the purpose of enforcing the Act and regulations, shall keep and maintain the following information and records concerning any horse which said Inspector recommends be disqualified or excused for any reason at such horse show, horse exhibition, horse sale or auction, from being shown, exhibited, sold or auctioned, in a uniform format as specified by the Administrator:

(i) The name and address, including street address or post office box and zip code, of the show and the show manager.

(ii) The name and address, including street address or post office box and zip code, of the horse owner.

(iii) The name and address, including street address or post office box and zip code, of the horse trainer.

(iv) The name and address, including street address or post office box and zip code, of the horse exhibitor.

(v) The exhibitor's number and class number, or the sale or auction tag number of said horse.

(vi) The date and time of the inspection.

(vii) A detailed description of all of the Inspector's findings and the nature of the alleged violation, or other reason for disqualifying or excusing the horse, including said Inspector's statement regarding the evidence or facts upon which the decision to disqualify or excuse said horse was based.

(viii) The name, age, sex, color, and markings of the horse; and

(ix) The name or names of the show manager or other management representative notified by the Inspector that such horse should be excused or disqualified and whether or not such manager or management representative excused or disqualified such horse.

The Inspector shall immediately inform management of each case regarding any horse which, in his opinion, is in violation of the Act or regulations.

Copies of the above records, along with all photographs, video recordings, thermography or other diagnostic testing results, swabs, and samples, shall be submitted by the Inspector to the Administrator within 72 hours after the horse show, horse exhibition, horse sale, or horse auction is over.

(2) The Inspector shall inform the custodian of each horse allegedly found in violation of the Act or its regulations, or disqualified or excused for any other reason, of such action and the specific reasons for such action.

(g) Cancellation of Inspector license.

The Administrator shall issue a written warning to any Inspector whom APHIS has licensed who violates the requirements of the Act or these regulations, or the standards of performance or conduct developed by the Administrator, who fails to follow the procedures set forth in § 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any Inspector after a second violation. Upon cancellation of his Inspector license, the Inspector may, within 30 days thereafter, appeal the decision to the Secretary, who, after providing notice and an opportunity for a hearing, shall make a final determination in the matter.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.20 Responsibilities and liabilities of management.

(a) The management of any horse show, horse exhibition, or horse sale or auction which does not appoint and retain an Inspector shall be responsible for identifying all horses that are sore or otherwise in violation of the Act or regulations, and shall disqualify or disallow any horses which are sore or otherwise in violation of the Act or regulations from participating or competing in any horse show, horse exhibition, horse sale, or horse auction, and shall, within 24 hours, alert the Administrator as to any violation. Horses entered for sale or auction at a horse sale or horse auction must be identified as sore or otherwise in violation of the Act or regulations prior to the sale or auction and prohibited from entering the sale or auction ring. Sore horses or horses otherwise in violation of the Act or regulations that have been entered in a horse show or horse exhibition for the purpose of show or exhibition must be identified and excused prior to the show or exhibition. Any horses found to be sore or otherwise in violation of the Act or regulations during actual participation in the show or exhibition, must be removed from further participation

prior to the tying of the class or the completion of the exhibition. All horses tied first in each Walking Horse class or event at any horse show or horse exhibition shall be inspected after being shown or exhibited to determine if such horses are sore or otherwise in violation of the Act or regulations.

(b)(1) The management of any horse show, horse exhibition, horse sale or auction which appoints an Inspector to inspect horses shall accord said Inspector access to all records and areas of the grounds of such show, exhibition, sale, or auction and the same right to inspect horses and records as is accorded to any APHIS representative. Further, management shall not take any action which would interfere with or influence said Inspector in carrying out his duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations. In the event management is dissatisfied with the performance of a particular Inspector, including disagreement with decisions concerning violations, management shall not dismiss or otherwise interfere with said Inspector during the Inspector's appointed tour of duty. However, management should immediately notify, in writing, the Department as to why the performance of said Inspector was inadequate or otherwise unsatisfactory. Management which appoints an Inspector shall immediately disqualify or disallow from being shown, exhibited, sold, or auctioned any horse identified by the Inspector to be sore or otherwise in violation of the Act or regulations or any horse otherwise known by management to be sore or in violation of the Act or regulations. Should management fail to disqualify or disallow from being shown, exhibited, sold or auctioned any such horse, said management shall assume full responsibility for and liabilities arising from the showing, exhibition, sale, or auction of said horses.

(2) The Inspector shall physically inspect: (i) All Walking Horses entered for sale or auction, (ii) all Walking Horses entered in any animated gait class (whether under saddle, horse to cart, or otherwise), (iii) all Walking Horses entered for exhibition before they are admitted to be shown, exhibited, sold, or auctioned, and (iv) all Walking Horses tied first in their class or event at any horse show, horse exhibition, horse sale, or horse auction. Such inspection shall be for the purpose of determining whether any such horses are in violation of the Act or regulations. Such physical examination shall be conducted in accordance with the inspection procedures provided for in § 11.21 of this part. The Inspector shall observe horses in the warmup ring and during actual performances whenever possible, and shall inspect any Walking Horse at any time he deems necessary to determine whether any such horse shown, exhibited, sold, or auctioned is in violation of the Act or regulations. If present at other shows, he shall examine any horse which he determines should be examined for compliance with the Act and regulations.

(3) The Inspector shall immediately report, to the management of any horse show, horse exhibition, or horse sale or auction, any horse which, in his opinion, is sore or otherwise in violation of the Act or regulations. Such report shall be made, whenever possible, before the show class or exhibition involving said horse has begun or before said horse is offered for sale or auction.

(4) The Administrator shall maintain a current list of violations and all current disqualification periods for both exhibitors and horses on the APHIS website. All managers are responsible for consulting the current list of disqualifications within 24 hours prior to managing any horse show.

exhibition, sale, or auction. Managers shall be deemed to have knowledge of all disqualifications as of the date the disqualifications are published on the APHIS website.

(5) The management of any horse show, horse exhibition, or horse sale or auction shall comply with, and adhere to, the penalties imposed by the Administrator by:

(i) Prohibiting any exhibitor who is disqualified or otherwise dismissed from showing or exhibiting a horse, judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction; and

(ii) Immediately disqualifying, dismissing, or disallowing from any show, exhibition, sale, or auction any horse who is found to be sore in accordance with § 11.20.

The failure of management to comply with this section, including to prohibit any exhibitor, or prohibit, disqualify, dismiss, or disallow any horse under this section, shall be subject to penalties in accordance with section 6 of the Act.

(c) The management of any horse show, exhibition, sale, or auction that appoints an Inspector to inspect horses shall appoint at least two Inspectors when more than 150 horses are entered.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.21 Inspection procedures for Inspectors.

(a)(1) During the preshow inspection, the Inspector shall direct the custodian of the horse to walk and turn the horse in a manner that allows the Inspector to determine whether the horse exhibits signs of soreness. The Inspector shall determine whether the horse moves in a free and easy manner and is free of any signs of soreness.

(2) The Inspector shall digitally palpate the front limbs of the horse from knee to hoof, with particular emphasis on the pasterns and fetlocks. The Inspector shall examine the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface. The Inspector shall apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continue the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse. While continuing to hold onto the pastern, the Inspector shall extend the foot and leg of the horse to examine the front (extensor) surfaces, including the coronary band. The Inspector may examine the rear limbs of all horses inspected after showing, and may examine the rear limbs of any horse examined preshow or on the showgrounds when he deems it necessary, except that the Inspector shall examine the rear limbs of all horses exhibiting lesions on, or unusual movement of, the rear legs. While carrying out the procedures set forth in this paragraph, the Inspector shall also inspect the horse to determine whether the provisions of § 11.3 of this part are being complied with, and particularly whether there is any evidence of inflammation, edema, or proliferating granuloma tissue.

(3) The Inspector shall observe and inspect all horses for compliance with the provisions set forth in § 11.2(a) through § 11.2(c) of this part. All equipment shall be observed and/or examined to assure that it is in compliance with the regulations. All such equipment on horses examined postshow, and on horses examined preshow that is not clearly in compliance, shall be weighed and/or measured.

(4) The Inspector shall instruct the custodian of the horse to control it by holding the reins approximately 18 inches from the bit shank. The Inspector shall not be required to examine a horse if it is presented in a manner that might cause the horse not to react to an Inspector's examination, or if whips, cigarette smoke, or other actions or paraphernalia are used to distract a horse during examination. All such incidents shall be reported to the show management and the Administrator.

(b) The Inspector shall inspect horses no more than three classes ahead of the time the inspected horses are to be shown, except that, in shows with fewer than 150 horses, the Inspector shall inspect horses no more than 2 classes ahead of the time the inspected horses are to be shown. Inspected horses shall be held in a designated area that is under observation by the Inspector or another APHIS representative. Horses shall not be permitted to leave the designated area before showing. Only the horse, the rider, the groom, the trainer, the Inspector(s) and any other APHIS representatives shall be allowed in the designated area.

(c) The Inspector may carry out additional inspection procedures as he deems necessary to determine whether the horse is sore.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.22 Records required and disposition thereof.

(a) The management of any horse show, horse exhibition, or horse sale or auction, that contains Walking Horses, shall maintain for a period of at least 90 days following the closing date of said show, exhibition, or sale or auction, all pertinent records containing:

(1) The dates and place of the horse show, horse exhibition, horse sale, or horse auction.

(2) The name and address (including street address or post office box number and ZIP code) of the sponsoring organization.

(3) The name and address of the horse show, exhibition, horse sale or horse auction management.

(4) The name and address (including street address or post office box number and ZIP code) of the Inspector, if any, employed to conduct inspections under § 11.20.

(5) The name and address (including street address or post office box number, and ZIP code) of each show judge.

(6) A copy of each class or sale sheet containing the names of horses, the names and addresses (including street address, post office box and ZIP code) of horse owners, the exhibitor number and class number, or sale number assigned to each horse, the show class or sale lot number, and the name and address (including street address, post office box, and ZIP code) of the person paying the entry fee and entering the horse in a horse show, horse exhibition, or horse sale or auction.

(7) A copy of the official horse show, horse exhibition, horse sale, or horse auction program, if any such program has been prepared.

(8) The identification of each horse, including the name of the horse, the name and address (including street address, post office box, and ZIP code) of the owner, the trainer, the rider or other exhibitor, and the location (including street address, post office box, and ZIP code) of the home barn or other facility where the horse is stabled.

(b) The management of any horse show, horse exhibition, or horse sale or auction containing Walking Horses shall designate a person to maintain the records required in this section.

(c) The management of any horse show, horse exhibition, or horse sale or auction containing Walking Horses shall furnish to any APHIS representative, upon request, the name and address (including street address, or post office box, and ZIP code) of the person designated by the sponsoring organization or manager to maintain the records required by this section.

(d) The Administrator may, in specific cases, require that a horse show, horse exhibition, or horse sale or auction records be maintained by management for a period in excess of 90 days.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.23 Inspection of records.

(a) The management of any horse show, horse exhibition, or horse sale or auction shall permit any APHIS representative, upon request, to examine and make copies of any and all records pertaining to any horse, either required in any part of the regulations, or otherwise maintained, during ordinary business hours or such other times as may be mutually agreed upon. A room, table, or other facilities necessary for proper examination of such records shall be made available to the APHIS representative.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare
Part 11. Horse Protection Regulations
§ 11.24 Reporting by management.

(a) Within 5 days following the conclusion of any horse show, horse exhibition, or horse sale or auction, containing Walking Horses, the managements of such show, exhibition, sale or auction shall submit to the Regional Director for the State in which the show, exhibition, sale or auction was held, the information required by § 11.22(a)(1) through (6) for each horse excused or disqualified by management or its representatives from being shown, exhibited, sold or auctioned, and the reasons for such action. If no horses are excused or disqualified, the management shall submit a report so stating.

(b) Within 5 days following the conclusion of any horse show, horse exhibition, or horse sale or auction which does not contain Walking Horses, the management of such show, exhibition, sale or auction shall inform the Regional Director for the State in which the show, exhibition, sale or auction was held, of any case where a horse was excused or disqualified by management or its representatives from being shown, exhibited, sold or auctioned because it was found to be sore.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.25 Agency policy regarding penalties.

(a) It is the policy of the Administrator to vigorously enforce the provisions of this part through the use of disqualification periods consistent with the goals and provisions of the Act. Accordingly, the Administrator may impose disqualification periods consistent with section 6 of the Act, and in compliance with the procedures provided for therein, including extended disqualification for repeat violations. In addition, the Administrator may require management to disqualify sore horses from being shown, exhibited, sold or auctioned in any horse show, horse exhibition, or horse sale or auction for established periods of time beyond the horse show, horse exhibition, or horse sale or auction at which the horse is found to be sore.

(b) Disqualifications.

(1) Disqualification may be imposed on any individual who is found to be in in violation of the Act, including any individuals who are responsible for showing the horse, exhibiting the horse, entering or allowing the entry of the horse in a show or exhibition, selling the horse, auctioning the horse, or offering the horse for sale or auction. This may include, but may not be limited to, the manager, trainer, rider, custodian, or seller, as applicable. In addition, if the owner allowed any activity listed in this paragraph, the owner may be disqualified as well.

(2) Disqualification may be imposed on any person who is responsible for the shipping, moving, delivering, or receiving of any horse that is found to be sore as defined in section 11.1 of this part, in violation of the scar rule in § 11.3, or in violation of the prohibition against the use of

foreign substances in § 11.2(c), with reason to believe that such horse was to be shown, exhibited, entered for the purpose of being shown or exhibited, sold, auctioned, or offered for sale in any horse show, horse exhibition, or horse sale or auction; Provided, that this requirement does not apply if the horse was transported by a common or contract carrier or an employee thereof in the usual course of the carrier's business or the employee's employment, unless the carrier or employee had reason to believe that the horse was sore.

(3) A person who is disqualified shall not be permitted to show or exhibit any horse or judge or manage or otherwise participate in any horse show, horse exhibition, or horse sale or auction for the duration of the disqualification.

(4) Any person with multiple disqualifications shall serve them consecutively, not concurrently.

(b) The Department reserves the right to inform the Attorney General of any violation of the Act or of this part, including violations for which penalties are assessed in accordance with this section.

Code of Federal Regulations

Title 9. Animals and Animal Products

Chapter I. Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A. Animal Welfare

Part 11. Horse Protection Regulations

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses.

(a) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, any horse with reason to believe such horse may be shown, exhibited, sold or auctioned at any horse show, horse exhibition, or horse sale or auction, shall allow and assist in the inspection of such horse at any such show, exhibition, sale, or auction to determine compliance with the Act as provided in § 11.4 of the regulations and shall furnish to any APHIS representatives upon his request the following information:

(1) Name and address (including street address, post office box, and ZIP code) of the horse owner and of the shipper, if different from the owner or trainer.

(2) Name and address (including street address, post office box, and ZIP code) of the horse trainer.

(3) Name and address (including street address, post office box, and ZIP code) of the carrier transporting the horse, and of the driver of the means of conveyance used.

(4) Origin of the shipment and date thereof, and,

(5) Destination of shipment.

(b) [Reserved]

EXHIBIT 3



**THE HUMANE SOCIETY
OF THE UNITED STATES**

March 21, 2012

By Facsimile and First Class Mail

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Jennifer Leaning, M.D., S.M.H.
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The Honorable Tom Vilsack, Secretary
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Supplemental Petition to Prosecute the Use of Illegal Masking
Agents on Tennessee Walking Horses as Felony Interference
Under the Horse Protection Act

Dear Secretary Vilsack:

The Humane Society of the United States (HSUS) hereby petitions The United States Department of Agriculture (USDA) to treat the use of numbing or masking agents on horses' pasterns as a felony under section 1825(a)(2)(C) of the Horse Protection Act (HPA or Act), 15 U.S.C. § 1825(a)(2)(C). New data recently released by USDA's Animal and Plant Health Inspection Service (APHIS) shows that 97.6 percent of the samples taken at various Tennessee Walking Horse competitions in 2011 tested positive for illegal foreign substances, and 86 percent tested positive in 2010.¹ The purpose of using these substances is to sore horses or to evade detection by inspectors of underlying soring. These data stand in stark contrast to SHOW Horse Industry Organization (HIO) President Dr. Steve Mullins' claim that at the 2011 Celebration show, "the compliance rate was over 98% working in cooperation with the USDA inspectors."²

In fact, of the 52 horses tested at the Celebration, every single horse tested positive for illegal soring and/or numbing agents.³ These test results, along with other recent events, including the indictment of a well-known Tennessee Walking Horse trainer who is accused of actively engaged in soring,⁴

¹ See Attachment 1 (Dr. Rachel Cezar, Email to Keith Dane re: Foreign Substance Information (with attachments), March 13, 2012), pp. 3-14.

² Dr. Steve Mullins, Shelbyville Times-Gazette, "Walking horse industry responds to critical article," March 1, 2012, available at <http://www.t-g.com/story/1821185.html> (last visited March 19, 2012).

³ See Attachment 1, p. 12.

⁴ U.S. Attorney's Office, "Jackie L. McConnell, Jeff Dockery, John Mays, and Joseph Abernathy Indicted for Violations of the Horse Protection Act," March 1, 2011, available at <http://www.fbi.gov/knoxville/press-releases/2012/jackie-l.-mcconnell-jeff-dockery-john-mays-and-joseph-abernathy-indicted-for-violations-of-the-horse-protection-act> (last visited March 20, 2012).

reveal that soring continues to be standard industry practice and that the industry, through HIOs, simply cannot be relied upon to enforce the Act. The USDA must take action to curtail these brutal practices, and the prosecution of the use of such agents as felony interference under section 1825(a)(2)(C) will go a long way towards deterring this illegal behavior.

Background

In 2010 The HSUS and other horse protection advocates⁵ filed a Petition for Rulemaking calling on the USDA to meet its congressional mandate to enforce the HPA and institute protocols to protect Tennessee Walking Horses from the cruel and illegal practice of soring, which remains prevalent in the industry forty years after passage of the Act.⁶ Specifically, we requested that the USDA: permanently disqualify scarred horses from participation in all horse showing activities; require HIOs to adopt a minimum penalty structure for HPA violations; incorporate certain Points of Emphasis into the Horse Protection Regulations; permanently disqualify individuals who have repeatedly violated the Act from participation in all horse showing activities; and decertify HIOs after their failure or refusal to correct instances of noncompliance.

Although the agency has not yet answered our petition, it has taken other steps in an apparent effort to address the ongoing prevalence of soring within the Tennessee Walking Horse industry, including by issuing proposed regulations to require HIOs to implement mandatory penalty protocols.⁷ We commend the agency for taking these steps, but note that recent events indicate that there is still a very long way to go to enforce the mandates of the HPA.

The Use of Masking Agents Is Widespread and Constitutes Felony Interference

As discussed above, newly released data revealing two years of flagrant and uniform use of illegal substances for the specific purpose of soring or masking soring have made clear that the mistreatment and abuse of Walking Horses remains rampant, that the HIOs are either unwilling or unable to self-regulate, and that additional enforcement of the HPA is desperately needed. Therefore, in addition to the requests outlined in HSUS's 2010 petition, we hereby petition the USDA to: (1) adopt a policy or regulations making clear the USDA's position that section 1825(a)(2)(C) of the Act, which penalizes the interference with

⁵ Petitioners included the American Society for the Prevention of Cruelty to Animals, the American Horse Protection Association, Inc., Friends of Sound Horses, Inc., and Senator Joseph D. Tydings.

⁶ The Humane Society of the United States *et al.*, USDA Petition for Rulemaking, Aug. 4, 2010, Docket No. APHIS-2011-0006-0002.

⁷ The agency has stated that a final rule on the mandatory penalty protocols is due out this week. See Brian Mosely, Shelbyville Times-Gazette, "Stronger horse penalties in works," March 16, 2012, available at <http://www.t-g.com/story/1826657.html> (last visited March 18, 2012).

an official's performance of his duties, applies to the use of foreign substances designed to mask soring; and (2) refer all incidents of use of illegal masking agents to the U.S. Attorney for felony prosecution under section 1826.

Section 1825(a)(2)(C) of the HPA provides for criminal penalties for anyone who "impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter. . ." The use of illegal masking agents falls squarely within the conduct proscribed by section 1825(a)(2)(C) because such use is designed to evade detection of soring by inspectors and, as such, plainly "impedes" and "interferes" with the performance of their duty to enforce the Act.⁸ Therefore, the agency should adopt a policy or rule that makes clear to the industry that the use of any drugs or other prohibited substances used to mask evidence of horse soring constitutes a federal felony punishable by up to \$5,000, or imprisonment of up to three years, or both, and must be treated by the agency as such.⁹ The USDA should also take swift action to report any positive findings of numbing or masking agents – as determined by any testing method, including but not limited to Gas Chromatography/Mass Spectrometry (GC/MS) sample testing or blood testing – directly to the U.S. Attorney's Office in the jurisdiction in which the crime occurred to determine whether federal criminal prosecution is warranted.¹⁰

Conclusion

The use of prohibited masking agents to hide unlawful soring is a felonious attempt to interfere with inspection efforts,¹¹ and must be promptly prosecuted to the fullest extent of the law. While we applaud the agency's recent enforcement actions under the HPA,¹² additional enforcement measures are urgently needed in the Walking Horse Industry. Therefore, we respectfully urge the USDA to take into account these additional requests as

⁸ 15 U.S.C.A. § 1825(a)(2)(C).

⁹ *Id.*

¹⁰ See 15 U.S.C.A. § 1826 ("Whenever the Secretary believes that a willful violation of this chapter has occurred and that prosecution is needed to obtain compliance with this chapter, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.").

¹¹ 15 U.S.C.A. § 1825(a)(2)(C).

¹² See USDA – APHIS – Newsroom, USDA Announces Recent Animal Welfare Act and Horse Protection Act Enforcement Actions, Feb. 15, 2012, *available at* http://www.aphis.usda.gov/newsroom/2012/02/enforcement_actions_jan2012.shtml (last visited March 18, 2012).

it considers HSUS's 2010 petition, and as the agency continues to address longstanding inadequacies in the HPA's enforcement scheme.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke.

Jonathan R. Lovvorn
Senior Vice President
Animal Protection Litigation & Investigations
The Humane Society of the United States

Attachment 1

Attachments:

2010 foreign Substance results.xlsx; TWH Celebration Part 1.xlsx; Trainers Show 2011.xlsx; Fun Show 2011.xlsx; Foreign Substance Violations.xlsx; Labs.docx

From: Cezar, Rachel - APHIS [<mailto:Rachel.Cezar@aphis.usda.gov>]

Sent: Tuesday, March 13, 2012 10:12 AM

To: Keith Dane

Subject: FW: Foreign Substance Information

Wanted to share with you.

Best regards,

Dr. Rachel Cezar

Horse Protection National Coordinator

USDA APHIS Animal Care

4700 River Road; Unit 84

Riverdale, MD 20737

(301)851-3746

rachel.cezar@aphis.usda.gov

www.aphis.usda.gov/animal_welfare/hp

From: Cezar, Rachel - APHIS

Sent: Tuesday, March 13, 2012 10:10 AM

To: 'Allan And Nancy Plunkett' (bmwalker@frontier.com); 'AMHRSEPROT@AOL.COM'; 'Andrew Messick' (andrew.messick@comcast.net); 'Anne Hardin'; 'bmwalker@gte.net'; 'Donnie Daugherty'; 'Duane Rector' (rectorscherry@windstream.net); 'foxtrot@mfthba.com'; 'gaylem111@windstream.net'; 'HAWHA Glenn Degraffenreid' (equine@mowisp.net); 'HAWHA Susie Graham' (sgraham1@windstream.net); 'HPC Donna Benefield HPC Donna Benefield Donna Benefield' (CarouselFm@aol.com); 'IWHA Jack Haefling "Jack Haefling" "Jack Haefling" <jmhtwhindiana@mindspring.com> IWHA Jack Haefling (jmhtwhindiana@mindspring.com); 'Jeff Daniel PRIDE DQP Coordinator'; 'Judy@emdeemountainhorses.com'; 'KWAH Eddie Ray Davis' (erdavis0550@yahoo.com); 'KYHIO Jackson Stables "Jackson Stables" "Jackson Stables" <jacksonstables@fewpb.net> KYHIO Jackson Stables (jacksonstables@fewpb.net); 'KYHIO Kenny Smith KYHIO Kenny Smith' (buzzardview@windstream.net); 'Lori Northrup' (lori@northrup.com); 'Mark & Deb Matson' (mdmatson@frontier.com); 'MFTHBA Alanna Hovis' (alannahovis@mfthba.com); 'MFTHBA Albert Cook' (thecardinalsinnl@yahoo.com); 'NWAH Exec Director' (execdir7@nwha.com); 'NWAH President' (jason@jtstables.com); 'OHA Ann KuyKendall' (windyhillba@yahoo.com); 'OKA Pat Stout' (sswhfarm@aol.com); 'PRIDE Sam Hamilton' (sam.momentum@yahoo.com); 'rocknya.bates@gmail.com'; 'Shirley Swingle WIWHA WIWHA Shirley Swingle WIWHA Shirley Swingle' (sswingle@windwireless.net); 'SHOW Dr Steve Mullins SHOW Dr Steve Mullins' (mullinsequinevet@bellsouth.net); 'SHOW Rachel Reed SHOW Rachel Reed' (rreed@showhio.com); 'smullins@showhio.com'; 'SSHBEA Janice Prince-Pope' (jprince@sshbea.org); 'Steve Skopec' (sskopec@windstream.net); tbippen1957@yahoo.com; 'undata@hughes.net'; 'WHOA David Pruett WHOA David Pruett' (dpruett@comcast.net); 'WHOA Frank Neal "Frank Neal" "Frank Neal" <fneal@feneal.com> WHOA Frank Neal' (fneal@feneal.com); 'WIWHA DQP Coordinator Ross Fox' (RFOX1954@COMCAST.NET); 'WIWHA Ross Fox DQP Coordinator' (rfox195@comcast.net); 'WIWHA Terry Jerke "Terry & Patricia Jerke" "Terry & Patricia Jerke" <tjsranch@msn.com> WIWHA Terry Jerke' (tjsranch@msn.com)'

Cc: Gipson, Chester A - APHIS; Jones, Christine B - APHIS; Giddo, Barbara J - APHIS; Jackson, Linda F - APHIS; Tuck, James M - APHIS; Carter Corker, Kay A - APHIS

Subject: Foreign Substance Information

I am including foreign substance results from 2010 and 2011, as well as individuals that have received letters of warnings due to positive foreign substances. As I have explained to you before on the HIO call, these letter of warnings are also displayed on the USDA APHIS enforcement actions website.

I have also included possible laboratories that you may want to work with if you are interested in swabbing for foreign substances at the horse shows you affiliate with, as well.

I hope to get the spreadsheets cleaned up a little better before I put them online but I wanted to get them to you as soon as I could because I have been receiving many requests for this type of information prior to the show season beginning.

Please also look towards our website for further information on foreign substance definitions:

http://www.aphis.usda.gov/animal_welfare/hp/hp_foreign_substance.shtml

Best regards,

Dr. Rachel Cezar

Horse Protection National Coordinator

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HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
National Trainers Show	Mar 18-20,2010	20	18	Decamethylcyclopentasiloxane B(10), Octyl Methoxycinnamate and Diisooctyl Adipate
				Isopropyl Palmitate, Sulfur, Vitamin E acetate and Various Hydrocarbons
				Benzocaine, 4-amino ethylbenzoate, hexagol, heptaethylene glycol and octaethylene glycol
				Methyl Salicylate, Salicylic Acid, 8-Hydroxyquinoline, and Various Hydrocarbons
				Lidocaine and one phthalate ester
				Sulfur
				Decamethylcyclopentasiloxane B(10), Lidocaine and 3-Diethylamino-1,2-propanediol
				Octamethylcyclohexasiloxane, Decamethylcyclopentasiloxane, Sulfur and Various Hydrocarbons
				Various Hydrocarbons
				Sulfur
				Sulfur and Various Hydrocarbons
				Lidocaine
				Lidocaine and Sulfur
				Sulfur, and Isopropyl Palmitate
				Octamethylcyclohexasiloxane, Decamethylcyclopentasiloxane, o-aminoazotoluene, octylmethoxycinnamate and 1,4-bis[(1-methylethyl)amino]-9, 10-Anthracenedione
				Lidocaine and Pentadecanol
				Sulfur and Benzocaine
				Decamethylcyclopentasiloxane, Lidocaine, and Various Hydrocarbons
ETWHTA, White Pine, TN	APR 9-10, 2010	19	18	Sulfur
				Lidocaine
				Sulfur and Multiple Hydrocarbons
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Octyl methoxycinnamate, Sulfur and Multiple Hydrocarbons
				o-aminoazotoluene
				Sulfur
				one hydrocarbon (n-Hexadecanoic acid)
				Sulfur
				Multiple Hydrocarbons
				Sulfur, Octamethylcyclotetrasiloxane and Decamethylcyclopentasiloxane
				Sulfur and Multiple Hydrocarbons
				Isopropyl Palmitate and other fatty acid hydrocarbons
				Sulfur
				Sulfur, Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane and Camphor
				Various Hydrocarbons
				Hexagol and Benzocaine
				Sulfur
				Two Minor Hydrocarbons

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
Baileyton HS	7/24/2010	6	6	Various Hydrocarbons
				Sulfur, Hexadecanoic Acid and a Trace level of Benzocaine
				Sulfur and Octadecanoic Acid
				Sulfur and Hexadecanoic Acid
				Sulfur
				Sulfur
SSHBEA Mid Season Classic	7/23-24, 2010	10	5	Azelaic and Hexadecanoic acid
				Azelaic and Hexadecanoic acid
				Toluamide and N,N-diethyl-4-Methyl-Benzamide
				Multiple Hydrocarbons
				Multiple Hydrocarbons
TWH Celebration	8/25-9/4, 2010	302	261	Methyl Salicylate, Isoquinolinol and Various Hydrocarbons
				Sulfur, Benzocaine and Various Hydrocarbons
				Lidocaine
				BHT, Benzocaine, o-aminoazotoluene and multiple grease bucket hydrocarbons
				Sulfur
				Sulfur and multiple grease bucket hydrocarbons
				Sulfur
				o-aminoazotoluene and 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione
				Isopropyl Palmitate, Glycerin and di (oct-4-yl ester) Adipic Acid (Phthalate Ester)
				Sulfur
				Octyl methoxycinnamate and Sulfur
				Multiple Hydrocarbons
				Multiple Hydrocarbons
				bis (2-ethylhexyl) ester of hexanedioic acid
				Sulfur
				Sulfur
				Benzocaine
				Isopropyl Palmitate, Cyclotetradecane and Vitamin E Acetate
				DMSO, Ethylhexyl Salicylate, Isopropyl Myristate, Homomenthyl Salicylate, Lidocaine, Oxybenzone, Sulfur, o-aminoazotoluene, Quinoline derivative, 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione and Vitamin E Acetate
				Sulfur
				Sulfur and 3,7-dihydro-3,7-dimethyl-1H-Purine-2,6-dione
				Benzocaine, Sulfur and multiple glycols
				Octyl methoxycinnamate
				Lidocaine
				Isopropyl Palmitate, Heptadecanol, Sulfur and Vitiam E Acetate
				Sulfur
				BHT and Multiple Hydrocarbons
				Sulfur
				Isopropyl Palmitate and Sulfur
				Benzocaine and Sulfur

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
				Octamethylcyclotetrasiloxane (B10), Decamethylcyclopentasiloxane, Octyl methoxycinnate and Sulfur
				Lidocaine and Sulfur
				Benzocaine, Isopropyl Myristate, Multiple Glycols and Sulfur
				Isopropyl Myristate, Lidocaine and Sulfur
				Multiple Hydrocarbons
				Isopropyl Palmitate, o-aminoazotoluene and Vitamin E acetate
				Sulfur
				Sulfur
				o-aminoazotoluene, Octyl methoxycinnamate and Diisooctyl adipate (plasticizer)
				Sulfur
				Sulfur
				Benzocaine, Lidocaine and Sulfur
				Sulfur
				Lidocaine, o-aminoazotoluene and Sulfur
				Benzocaine and Sulfur
				Squalene
				Benzocaine, Lidocaine, Sulfur and Multiple Glycols
				Multiple Hydrocarbons
				Benzocaine, Lidocaine and o-aminoazotoluene
				Sulfur
				Isopropyl Palmitate, Sulfur, Cyclotetradecane and Vitamin E Acetate
				Lidocaine
				Sulfur
				3-Methyl-1-Butanol, Sulfur, Ethyl Oleate, 2-ethylhexyl hexanedioic acid ester and Hexadecyne
				Benzocaine and 2-ethylhexyl hexanedioic acid ester
				Sulfur
				Sulfur
				Piperonyl Butoxide
				Lidocaine and Sulfur
				Lidocaine
				Sulfur
				Benzocaine, Azelaic Acid, Octadecanoic Acid and Sulfur
				Isopropyl Myristate and Sulfur
				Sulfur
				Octyl methoxycinnamate, Sulfur, Azelaic Acid, Oleic Acid and Bis (2-ethylhexyl) Adipate
				Decamethylcyclopentasiloxane (B) and Benzocaine
				Sulfur
				o-Aminoazotoluene and Sulfur
				Sulfur
				Benzocaine and Various Hydrocarbons
				Benzocaine, Isopropyl Myristate, Pentaethylene Glycol, Hexadecanol, Hexagol, Ethyl hexadecanoate, Cyclohexadecane, Ethyl Linolate, Ethyl Oleate, Ethyl Octadecanoate, Heptaethylene glycol and one Cholesterol like natural product

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
				Benzocaine, Lidocaine, Heptaethylene glycol and Hexagol
				Various Hydrocarbons
				Benzocaine, Urea and Various Hydrocarbons
				Lidocaine
				Lidocaine, Sulfur, Isopropyl Myristate and one Hydrocarbon
				Lidocaine, Urea and Various Hydrocarbons
				Sulfur
				Octadecanoic Acid and Tricosane
				Sulfur
				Squalene
				Lidocaine
				DMSO, Sulfur, Cholesterol, Isopropyl Palmitate and Various Hydrocarbons
				o-Aminoazotoluene and 1,4-bis[(1-methylethyl) amino]- 9, 10-Anthracenedione
				Sulfur
				Lidocaine and Sulfur
				Lidocaine and Sulfur
				Decamethylcyclopentasiloxane, Isopropyl Palmitate and Octyl methoxycinnamate, Cyclohexadecane and 1-Hexadecanol
				Decamethylcyclopentasiloxane (B) and Sulfur
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Camphor, Benzocaine, Lidocaine, Sulfur, Hexagol and Pentaethylene glycol
				Isopropyl Palmitate, Sulfur and Various Hydrocarbons
				Lidocaine, Azelaic Acid and Various Hydrocarbons
				Sulfur, Cholesterol, Methyl Olelate and Various Hydrocarbons
				Lidocaine
				Various Hydrocarbons
				Ethyl Hexanoate, 1,1-diethoxy Hexane, Azelaic Acid, Captan and Ethyl Octadecanoate
				Camphor, Benzocaine and Isopropyl Myristate, Sulfur, Cholesterol, Oleyl alcohol, methyl ether and Various organic acids
				Cholesterol, Oleyl alcohol methyl ether and Various Hydrocarbons 1-Chlorundecane
				Lidocaine
				Sulfur
				Sulfur
				Lidocaine and Isopropyl Palmitate
				Octamethylcyclotetrasiloxane and Sulfur
				Lidocaine
				Decamethylcyclopentasiloxane and Azelaic Acid
				Isopropyl Palmitate
				Decamethylcyclopentasiloxane, lidocaine and Sulfur
				Sulfur, hydroxyphenyl-2-Butanone, Coniferol, bis-(2-ethylhexyl) Adipate and various organic acid esters
				glycerin, urea, bis-(2-ethylhexyl) Adipate, glycol and various hydrocarbons
				bis-(2-ethylhexyl) Adipate and various hydrocarbons
				glycerin, sulfur, cholesterol, bis-(2-ethylhexyl) Adipate and various hydrocarbons

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
				isopropyl myristate, isopropyl palmitate, sulfur, cholesterol and various hydrocarbons
				isopropyl myristate, and sulfur
				Decamethylcyclotetrasiloxane, Octyl methoxycinnamate, sulfur, and diisooctyl adipate
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, benzocaine, lidocaine, and Octyl methoxycinnamate
				benzocaine, lidocaine
				benzocaine, isopropyl myristate, sulfur, and various hydrocarbons
				bis-(2-ethylhexyl) Adipate
				isopropyl myristate, sulfur, and various hydrocarbons
				isopropyl myristate, sulfur, cholesterol, oleyl alcohol and various hydrocarbons
				Decamethylcyclotetrasiloxane, o-Aminoazotoluene, and various hydrocarbons
				sulfur, azelaic acid, and other organic acids
				isopropyl palmitate, and multiple hydrocarbons
				Multiple Hydrocarbons
				benzocaine
				lidocaine, sulfur, bis-(2-ethylhexyl) Adipate
				benzocaine, lidocaine
				one organic acid
				sulfur
				lidocaine and sulfur
				Camphor, lidocaine, sulfur, cholesterol, vitamin E acetate, and various hydrocarbons
				sulfur, bis-(2-ethylhexyl) Adipate, Squalene
				lidocaine and sulfur
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, Dodecamethylcyclotetrasiloxane, and sulfur
				benzocaine, isopropyl myristate, isopropyl palmitate, sulfur, cholesterol, various glycols and hydrocarbons
				benzocaine, lidocaine, isopropyl myristate, sulfur, cholesterol, various glycols and hydrocarbons
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, Dodecamethylcyclotetrasiloxane, isopropyl myristate, lidocaine, sulfur, cholesterol, and various hydrocarbons
				isopropyl myristate, isopropyl palmitate, sulfur, cholesterol, squalene and various hydrocarbons
				bis-(2-ethylhexyl) Adipate
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, benzocaine, o-aminoazotoluene, octyl methoxycinnamate, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, hexagol and other glycols
				azelaic acid and multiple hydrocarbons
				Decamethylcyclotetrasiloxane, isopropyl myristate, lidocaine, o-aminoazotoluene, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, and various hydrocarbons

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, octyl methoxycinnamate, Lidocaine and Isopropyl Palmitate
				Decamethylcyclopentasiloxane and lidocaine
				Decamethylcyclopentasiloxane, salicylic acid, benzocaine, isopropyl myristate, isopropyl palmitate, hexagol. Other glycols, and various hydrocarbons
				benzocaine, lidocaine, glycerol, tricaprilate and various organic acids
				Decamethylcyclopentasiloxane, benzocaine, lidocaine, octaethylene glycol
				benzocaine, glycol, squalene and other natural products
				benzocaine, lidocaine
				butylated hydroxytoluene and isopropyl myristate, ethylene brassylate, various hydrocarbons, cholesterol, oleyl alcohol
				Decamethylcyclopentasiloxane and lidocaine
				sulfur and various hydrocarbons
				lidocaine, azelaic acid and cholesterol
				Isopropyl Myristate and Sulfur
				lidocaine
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, sulfur and a hydrocarbon
				lidocaine, bis-(2-ethylhexyl) Adipate, coniferol, an organic acid, and a hydrocarbon
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, and isopropyl palmitate
				sulfur, azelaic acid, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, α-tocopherol acetate, bis 2-ethylhexyl adipate plus other acids and esters
				sulfur
				isopropyl palmitate, octyl methoxycinnamate, sulfur, and α-tocopherol acetate
				sulfur
				azelaic acid and bis-(2-ethylhexyl) Adipate
				sulfur
				benzocaine, o-aminoazotoluene, sulfur, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione and multiple glycols
				bis-(2-ethylhexyl) Adipate
				octyl methoxycinnamate, sulfur, bis-(2-ethylhexyl) Adipate and cholesterol
				sulfur
				sulfur
				azelaic acid and sulfur
				sulfur
				lidocaine, sulfur, toluene, limonene, bis-(2-ethylhexyl) Adipate and pentadecyl benzoate
				lidocaine, 2-phenoxy ethanol and azelaic acid
				Decamethylcyclopentasiloxane, B(10), sulfur, cholesterol, Azelaic acid, and other organic acids
				sulfur
				lidocaine and sulfur
				benzocaine, sulfur, various glycols and organic acids
				sulfur, cholesterol and various hydrocarbons

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
				Sulfur and multiple hydrocarbons
				sulfur and bis-(2-ethylhexyl) Adipate
				isopropyl myristate, glycerin, sulfur, thiabendazole, bis-(2-ethylhexyl) Adipate, cholesterol, and multiple hydrocarbons
				sulfur and bis-(2-ethylhexyl) Adipate
				Decamethylcyclotetrasiloxane, B(10), lidocaine, and sulfur
				D-limonene
				sulfur
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, lidocaine, octyl methoxycinnamate, and sulfur
				Decamethylcyclotetrasiloxane, B(10), and sulfur
				sulfur and one phthalate ester
				isopropyl myristate, sulfur and multiple hydrocarbons
				Decamethylcyclotetrasiloxane, B(10), sulfur, bis-(2-ethylhexyl) Adipate, cholesterol, and multiple hydrocarbons
				sulfur and bis-(2-ethylhexyl) Adipate
				sulfur and bis-(2-ethylhexyl) Adipate
				sulfur
				isopropyl palmitate, limonene, and various hydrocarbons
				isopropyl palmitate, and sulfur
				lidocaine, sulfur and multiple hydrocarbons
				sulfur
				o-Aminoazotoluene, sulfur, bis 2-ethylhexyl adipate, and 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione
				BHT, lidocaine, o-aminoazotoluene, isopropyl palmitate, azelaic acid, cholesterol, vitamin E acetate, and multiple hydrocarbons
				Decamethylcyclotetrasiloxane, (B) and lidocaine
				various organic acids
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, Dodecamethylcyclotetrasiloxane, benzocaine, octyl methoxycinnamate, azelaic acid and various glycols
				Dodecamethylcyclotetrasiloxane, and vitamin E acetate
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, lidocaine, octyl methoxycinnamate, and bis 2-ethylhexyl adipate
				benzocaine, isopropyl palmitate, o-aminoazotoluene, and Vitamin E acetate
				Decamethylcyclotetrasiloxane, benzocaine, o-aminoazotoluene, octyl methoxycinnamate, and multiple glycols
				lidocaine, isopropyl palmitate, vitamin E acetate, and various hydrocarbons
				isopropyl myristate, lidocaine, and various hydrocarbons
				benzocaine, cholesterol
				lidocaine
				lidocaine
				isopropyl myristate and multiple hydrocarbons
				bis 2-ethylhexyl adipate
				Decamethylcyclotetrasiloxane
				isopropyl myristate, lidocaine, sulfur and one hydrocarbon

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
				hexagol, bis 2-ethylhexyl adipate
				sulfur, bis 2-ethylhexyl adipate and various hydrocarbons
				benzocaine and multiple glycols
				Decamethylcyclotetrasiloxane, lidocaine, isopropyl palmitate, bis 2-ethylhexyl adipate
				Benzocaine, Sulfur and multiple glycols
				lidocaine and sulfur
				Octamethylcyclotetrasiloxane, Decamethylcyclotetrasiloxane, methyl salicylate, Dodecamethylcyclotetrasiloxane, salicylic acid, octyl methoxycinnamate, sulfur and bis 2-ethylhexyl adipate
				Lidocaine and Isopropyl Palmitate
				Lidocaine, Isopropyl Palmitate and one hydrocarbon
				benzocaine, bis 2-ethylhexyl adipate and multiple glycols
				o-Aminoazotoluene, sulfur, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, and various hydrocarbons
				camphor, lidocaine and sulfur
				isopropyl myristate, lidocaine, sulfur
				Decamethylcyclotetrasiloxane, lidocaine, isopropyl palmitate, octyl methoxycinnamate, sulfur, and one hydrocarbon
				lidocaine, sulfur and one organic acid
				Decamethylcyclotetrasiloxane, lidocaine, isopropyl palmitate, and sulfur
				o-Aminoazotoluene, octyl methoxycinnamate, limonene, bis 2-ethylhexyl adipate, sulfur, squalene, and 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, and various hydrocarbons
				Decamethylcyclotetrasiloxane, octyl methoxycinnamate
				isopropyl palmitate, and sulfur
				Methyl Salicylate, lidocaine, sulfur and squalene
				Decamethylcyclotetrasiloxane, Dodecamethylcyclotetrasiloxane, isopropyl myristate, octyl methoxycinnamate, bis 2-ethylhexyl adipate and various hydrocarbons
				Decamethylcyclotetrasiloxane, Dodecamethylcyclotetrasiloxane, bis 2-ethylhexyl adipate and multiple hydrocarbons
				Decamethylcyclotetrasiloxane, benzocaine, isopropyl myristate, homomenthyl salicylate and multiple glycols
				Isopropyl Palmitate and one unknown hydrocarbon
				Decamethylcyclotetrasiloxane
				sulfur and various hydrocarbons
				Decamethylcyclotetrasiloxane, octyl methoxycinnamate
				Decamethylcyclotetrasiloxane and lidocaine
				bis 2-ethylhexyl adipate and one organic acid
				toluene, lidocaine, o-Aminoazotoluene, bis 2-ethylhexyl adipate, and 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione,
				azelaic acid and multiple other hydrocarbons and organic acids
				Isopropyl Palmitate and various hydrocarbons
				Decamethylcyclotetrasiloxane, lidocaine, octyl methoxycinnamate, sulfur, azelaic acid, and other organic acids

HORSE SHOW	DATE	TESTED	POSITIVE	SUBSTANCES FOUND
				camphor and sulfur
				sulfur and one organic acid
				Decamethylcyclopentasiloxane, octyl methoxycinnamate and sulfur
				benzocaine, o-Aminoazotoluene, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, and multiple glycols
				methyl salicylate and sulfur
				isopropyl palmitate, o-Aminoazotoluene, sulfur, bis 2-ethylhexyl adipate, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, and one hydrocarbon
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, o-Aminoazotoluene, octyl methoxycinnamate, sulfur, 1,4-bis[(1-methylethyl)amino]9,10-anthracenedione, one hydrocarbon and one glycol
				isopropyl myristate, lidocaine, sulfur and one hydrocarbon
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Dodecamethylcyclohexasiloxane, benzocaine, octyl methoxycinnamate, and sulfur
				one hydrocarbon
				camphor, benzocaine and sulfur
				lidocaine and sulfur
		357	308	

Show	Date	Tested	Positive	Substance Found
73 rd Annual Tennessee Walking Horse National Celebration	8/31 thru 9/03/2011	52	52	Isopropyl myristate, o-aminoazotoluene, Octyl methoxycinnamate Sulfur and Multiple Hydrocarbons
				o-aminoazotoluene, Octyl methoxycinnamate, and 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione, Vitamin E acetate
				Isopropyl myristate, Lidocaine, o-aminoazotoluene, and Sulfur
				Menthol, Benzocaine, Sulfur and Cholesterol
				Decamethylcyclopentasiloxane, Benzocaine, Isopropyl Palmitate, Octyl methoxycinnamate, Sulfur, and Multiple Glycols
				Isopropyl myristate, Lidocaine, Isopropyl Palmitate, o-aminoazotoluene, Sulfur, and Vitamin E acetate
				o-aminoazotoluene and Octyl methoxycinnamate
				Sulfur and one plasticizer
				Benzocaine, Lidocaine, o-aminoazotoluene, and Octyl methoxycinnamate
				Methyl salicylate, Butylated Hydroxytoluene, Benzocaine, Lidocaine, Glycerin, Methylparaben, and Various Hydrocarbons
				Benzocaine, Lidocaine, o-aminoazotoluene, Octyl methoxycinnamate, Sulfur, 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione, and Cholesterol
				Isopropyl Palmitate, o-aminoazotoluene, Octyl methoxycinnamate, and one Phthalate Ester
				Benzocaine, Isopropyl myristate, Lidocaine, o-aminoazotoluene, Sulfur, and 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione
				Multiple Hydrocarbons and Cholesterol
				Isopropyl myristate, Isopropyl Palmitate, Theobromine, Cholesterol, and Multiple Hydrocarbons
				Isopropyl myristate, Lidocaine, Isopropyl Palmitate, Sulfur, and Multiple hydrocarbons
				Benzocaine, Isopropyl myristate, Lidocaine, Isopropyl palmitate, o-aminoazotoluene, Multiple hydrocarbons, Hexagol, and 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione
				Lidocaine, o-aminoazotoluene, Sulfur, and 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Benzocaine, Isopropyl Palmitate, o-aminoazotoluene, Octyl methoxycinnamate, Sulfur, and Multiple Glycols
				Isopropyl palmitate, o-aminoazotoluene, Vitamin E acetate
				DMSO, Benzocaine, Lidocaine, Sulfur, Cholesterol, and Multiple Glycols
				Benzocaine, Isopropyl Palmitate, and Vitamin E acetate
				o-aminoazotoluene
				Benzocaine, Cholesterol, Multiple Glycols, and Multiple Hydrocarbons
				Benzocaine, Isopropyl myristate, Lidocaine, Sulfur, and Cholesterol
				Benzocaine, Lidocaine, Octyl methoxycinnamate, and Multiple Glycols
				Decamethylcyclopentasiloxane, Benzocaine, Lidocaine, Octyl methoxycinnamate, Cholesterol, and Multiple Glycols
				Methyl Salicylate, Lidocaine, and Multiple Hydrocarbons
				Isopropyl myristate and Lidocaine, Sulfur, and Multiple Hydrocarbons
				Isopropyl myristate, Isopropyl Palmitate, o-aminoazotoluene, and Vitamin E acetate
				Lidocaine, o-aminoazotoluene, Sulfur, 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione, and Cholesterol
				Decamethylcyclopentasiloxane, o-aminoazotoluene, Octyl methoxycinnamate, Sulfur, 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione, Cholesterol, and one acid ester
				Benzocaine, Lidocaine, o-aminoazotoluene Multiple Glycols, and one acid ester
				Benzocaine, Lidocaine, o-aminoazotoluene, and Sulfur
				o-aminoazotoluene and 1,4-bis[(1-methylethyl)amino] 9,10-Anthracenedione
				Lidocaine and Sulfur
				Lidocaine, Octyl methoxycinnamate, and one phthalate ester
				Lidocaine, Sulfur, and Cholesterol
				Benzocaine, Lidocaine, o-aminoazotoluene, and Multiple Glycols
				Benzocaine, Isopropyl palmitate, o-aminoazotoluene, and Multiple Hydrocarbons
				Lidocaine, Isopropyl Palmitate, Various Hydrocarbons, Cholesterol, and one plasticizer
				Lidocaine, Multiple Hydrocarbons and Cholesterol
				Isopropyl Palmitate and Various Hydrocarbons
				Benzocaine, Lidocaine, and Sulfur
				Lidocaine, Isopropyl Palmitate, Sulfur and Cholesterol
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Benzocaine, Isopropyl Palmitate, Octyl methoxycinnamate Sulfur, Cholesterol, and multiple acid esters
				Benzocaine, Lidocaine, Sulfur, and Cholesterol
				Benzocaine, o-aminoazotoluene, Octyl methoxycinnamate, and Multiple Glycols
				Decamethylcyclopentasiloxane, Benzocaine, Octyl methoxycinnamate, Sulfur, and Multiple Glycols
				Benzocaine, Isopropyl myristate, Isopropyl Palmitate, o-aminoazotoluene, Vitamin E acetate, Cholesterol
				Decamethylcyclopentasiloxane, Octyl methoxycinnamate, and one acid ester
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Salicylic acid, Multiple Hydrocarbons, and Cholesterol

Show	Date	Tested	Positive	Substance Found
Trainers Show	17-Mar-11	13	12	o-aminoazotoluene, sulfur, bis-2-ethylhexyl adipate, and multiple hydrocarbons
				Lidocaine Sulfur and one hydrocarbons
				None
				Lidocaine and Sulfur
				Lidocaine and Isopropyl Palmitate, Sulfur and Multiple Hydrocarbons
				Lidocaine, Isopropyl palmitate, o-aminoazotoluene, and Vitiman E
				Decamethylcyclopentasiloxane, Isopropyl palmitate, o-aminoazotoluene, Octyl methoxycinnamate, Azelaic acid, Sulfur, and Multiple Hydrocarbons
				Lidocaine, Sulfur, and Multiple Hydrocarbons
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Methyl Salicylate, Lidocaine, Octyl methoxycinnamate, Sulfur, plus Multiple Hydrocarbons
				Sulfur
				Octyl methoxycinnamate, Sulfur, and two hydrocarbons
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Lidocaine, Isopropyl palmitate, Octyl methoxycinnamate, and Sulfur
				Isopropyl Myristate, Sulfur and two hydrocarbons

Show	Date	Tested	Positive	Substance Found
41 st Annual Fun Show	5/26 – 5/27/11	20	19	Camphor, Salicylic Acid, Lidocaine, Sulfur and hydrocarbons
				Lidocaine, o-aminoazotoluene, Sulfur and hydrocarbons
				Camphor and Sulfur
				Methyl Salicylate, Lidocaine, Sulfur and hydrocarbons
				Sulfur and Vitamin E
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Benzocaine and Sulfur
				Benzocaine, Lidocaine, Sulfur, glycols and hydrocarbons
				Sulfur, hydrocarbon, phthalate
				Camphor, Lidocaine and Sulfur
				Decamethylcyclopentasiloxane and Sulfur
				o-aminoazotoluene
				Benzocaine, Lidocaine and Sulfur
				Decamethylcyclopentasiloxane, Benzocaine, Isopropyl Palmitate, Sulfur, glycols and hydrocarbons
				Sulfur
				Decamethylcyclopentasiloxane (B), Salicylic Acid, Lidocaine, Isopropyl Palmitate, Sulfur, Tocopherol acetate and hydrocarbons
				Lidocaine, Isopropyl Palmitate, Octyl methoxycinnamate and sulfur
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane, Lidocaine, Isopropyl Myristate, Octyl methoxycinnamate and Sulfur
				Decamethylcyclopentasiloxane and hydrocarbons
				Octamethylcyclotetrasiloxane, Decamethylcyclopentasiloxane and Benzocaine, Lidocaine, Octyl methoxycinnamate Sulfur, glycols and hydrocarbons

First Name	Last Name	Horse Name	Violation Date	2nd Violation	First Name	Last Name	Horse Name	Violation Date	3rd Violation	First Name	Last Name	Horse Name	Violation Date	4th Violation	First Name	Last Name	Horse Name	Violation Date
	4-Land & Cattle Company	Bronco Billy	22-Apr-09															
Edgar	5 Way Farm	Showboat Silk	23-Aug-08															
Edgar	Abernathy	High Tide at The Ritz	22-Aug-08		Edgar	Abernathy	Bacall			4-Jun-09								
Crystal	Abernathy	Free to Score	4-Jun-09															
Deborah	Adcock	My Susan B Anthony	23-Apr-09															
Bub	Adcock	My Susan B Anthony	23-Apr-09															
Robert	Adcock	My Susan B Anthony	23-Apr-09															
Andy	Adkins	The Family Jewels	22-May-09															
Fred	Allred	Mister Push Button	22-Aug-08															
Frank	Alvarez	Miss Silver Mountain	21-Aug-08		Frank	Alvarez	Royal Diamond Cutter			22-Aug-08								
Jeri	Arrighi	Pure Pandemonium	31-Aug-10															
Linda	Atticision	Pusher Dream Maker	23-Aug-08															
Lester Thomas	Austin	Aja	9-Sep-09															
Joe	Avila	Will-E-Walk	23-Aug-08															
Stephen	Aymett	Willwalken	25-Aug-08		Steve	Aymett	Pure Pandemonium			8/31/2010								
Ann	Bailey	Hydrostatic	18-Mar-10															
James	Bailey	Lined's Lady MG	29-Aug-09															
Kimberly	Bailey	Lined's Lady MG	29-Aug-09															
Benjamin	Barr	Tommy Lee Jones	20-Mar-10															
Mr./Mrs.	Baskins	Downtown Pusher	21-Aug-08															
(Jeanette)	Baucum Stables	Royal Luck	25-Aug-08															
Lisa	Baum	Network	22-Aug-08		Lisa	Baum	Hijacked			22-Aug-08								
Jim	Baum	Hijacked	22-Aug-08															
Bo	Bb Farms	Skywalk In Bronze	21-Aug-08															
Bea	Beam	Aja	9-Sep-09															
Kinsley	Beasley	Threat of Gen's Memory	20-Jun-08															
Elisabeth	Beasley	She's All That Jazz	9-Sep-09															
Jerry	Beatty	He's Solid As A Rock	21-Aug-08		Jerry	Beatty	Seve's Pushing Gold			22-Aug-08								
Kaitlyn	Beatty	He's Solid As A Rock	21-Aug-08		Kaitlyn	Beatty	Mister Push Button			22-Aug-08								
Scott	Beatty	Mister Push Button	22-Aug-08															
Allison	Becknell	Olympic Black Star	22-Aug-08															
Keith	Becknell	Olympic Black Star	22-Aug-08															
	Bennett Stables	Command's Mandy	22-Aug-08															
Paula	Blackburn	Drop By the Ritz	10-Jul-08		Paula	Blackburn	Finals Masquerade			10-Jul-08								
Knox	Blackburn	Private Charter	23-Aug-08															
	Blackburn Knox Stables	Private Charter	23-Aug-08				Blackburn Knox Stables	Silverado Spirit		25-Aug-08								
Freda	Blackwell	Caddy Shack	30-Aug-10															
Felix	Bobadilla	Generator's Top Dollar	10-Jul-08															
Connie	Bobo	Jose's All Pro	21-Aug-08		Connie	Bobo	Network			22-Aug-08		Connie	Bobo	Hijacked	22-Aug-08	Connie	Bobo	The Interpreter
William	Bobo	Rowdy Rev	29-Aug-09															8/30/2010 8/18/2011
Joe	Booth	Showboat's Design	22-Aug-08															
Robert	Boulder	Pushin That Jazz	10-Jul-08															
Robert	Bowden	Ritzy Zone	25-Aug-08															
Linda	Bowera	Generator's Top Dollar	10-Jul-08															
Diana	Bowera	Generator's Top Dollar	10-Jul-08															
Cindy	Bowman	Flash of Silver	9-Sep-09		Cindy	Bowman	Flash of Silver			29-Aug-09								
Lisa	Bowman Anderson	Flash of Silver	9-Sep-09		Lisa	Bowman Anderson	Flash of Silver			29-Aug-09								
Brett	Boyd	Hard Cash's Magic Mark	20-Jun-09															
William	Bradford	Sippin Tennessee Gen	17-Apr-09															
Robert	Brainard	Have No Fear	21-Aug-09															
Brenda	Bramlett	Jazzed Up	22-May-09															
Laura	Brandon	Dirty Sexy Money	30-Aug-10															

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Jacquelyn	Brantley	Loose n' Busty	9-Sep-09																										
Keith	Breedlove	The Starting Lineup	25-Aug-08																										
Betty	Brooks	Showboat's Design	22-Aug-08																										
Ronnie	Brooks	Showboat's Design	22-Aug-08																										
Larry	Brown	Jose Today	7-Jun-08																										
Perry	Brown	Express Frosty Girl	21-Aug-08																										
Jack	Bryant	Muffin	12-Jul-08																										
Rita	Bryant	Dream Big	7-Jun-08																										
Greg	Bryant	It's Billy the Kid	21-Aug-08		Greg	Bryant	She's All That Jazz	9-Sep-09																					
Darlene	Buchanien	Rhythm N Rain	10-Jul-08																										
Dennis	Bunch	Maxima	19-Jun-08																										
Johnny	Burton	Beam's Rapid Express	30-Apr-08																										
Webby	Burch	Diamonds and Dollars	18-Jul-09																										
Rachel	Burch	Diamonds and Dollars	18-Jul-09																										
Ashley	Burton	Clutches Loose Change	3-Jul-09																										
Julie	Burton	Morgan's China Doll	3-Jul-09																										
Johnny	Burton	Beam's Rapid Express	30-Apr-08																										
Joe	Burton	Thief N Da Sides	22-Aug-08																										
Donna	Byard	Dollar Overdue	1-Sep-09																										
Shannon	Cages	Senorita Dumas	10-Jul-08			Shannon	Cages	Senorita Dumas											19-Jun-08										
John	Callaway	Ozone's Cut Above All	30-Aug-10																										
Dale	Cannon	Jose Today	7-Jun-08																										
Charla	Carlat	Pusher's Royal Duchess	30-Apr-09																										
Larry	Carney	She's Armed & Liberated	19-Mar-10																										
Gene	Carswell	Ebony's Big Ticket	3-Jul-08																										
Kimberly	Carter	I'm Dizzy Gillespie	3-May-09																										
Tracy	Charles	Heart of a Women	10-Jul-09																										
Martha	Chapman	A Major Rebel	31-Aug-10																										
Corey	Chase	Gen's Olvy's Gold	10-Jul-08			Corey	Chase	JFK Again											19-Jun-08										
Kathleen	Chiappari	Sky Miles	20-Mar-10																										
Michael	Chiappari	Sky Miles	20-Mar-10																										
Marlin	Clark	Majestic Jazz	4-Sep-09																										
Deidre	Clements	General Opinion	7-Jun-08																										
Scott	Clements	General Opinion	7-Jun-08																										
Jaclyn	Compton	Senorita Dumas	10-Jul-08			Jaclyn	Compton	Tarheel's Rose											11-Jul-09										
Sarah	Compton	Tarheel's Rose	11-Jul-09																										
Debby	Compton	Tarheel's Rose	11-Jul-09																										
Kenny	Compton	Senorita Dumas	19-Jun-08																										
Rick	Compton	Senorita Dumas	19-Jun-08																										
Della Gage	Compton	Moab	23-Aug-08																										
Betty	Corlew	I'm All Fired Up	23-Aug-08																										
Joel	Cotten	Ritzey Zone	25-Aug-08			Joel	Cotton	He's Top Priority											8/30/2010										
Chad	Cotten	Ritz Custom Made	30-Aug-09																										
Shannon	Cotter	Dollars and Sense	5-Jun-09																										
Sheryl	Crawford	War Commander	21-May-09																										
Doug	Crawford	War Commander	21-May-09																										
Swinton	Crider	Hes 3 Under Par	10-Jul-09			Swinton	Crider												10-Jul-09										
Stephen	Daniel	Flash of Silver	9-Sep-09			Stephen	Daniel	Flash of Silver											29-Aug-09										
JD	Daniels		10-Jul-09																										
Claude	Daughtridge	C'Mon Turn Me Loose	3-Jul-09																										
Linda	Daughtridge	C'Mon Turn Me Loose	3-Jul-09																										
Brad	Davis	Miss Teddie Williams	31-Aug-10																										
Clayton	Davis	Smooth Sky's	22-Aug-08																										
Sammy	Day	He's Ritz N Cash	22-Apr-09																										
Jordan	Dean	JFK Again	19-Jun-08																										
Mona	Dean	JFK Again	19-Jun-08																										

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Wayne	Dean	Bold Reaction	19-Mar-10															
Bryan	DeBarry	Jose's Delightful Gal	31-Aug-10															
Jordan	Dempsey	Hard Cash's Magic Mark	20-Jun-09															
Herbert	Derickson	The Starting Lineup	25-Aug-08															
Buddy	Dick	Black Cash Delight	31-Aug-10															
Dianna	Donner	The Gin was Poison by Gen	1-Sep-09															
Richard	Donner	The Gin was Poison by Gen	1-Sep-09															
David	Doub	The Interpreter	30-Aug-10															
Elizabeth	Doub	The Interpreter	30-Aug-10															
Jesse	Dotson Jr	Major Strech	30-Aug-09															
Meredith	Driskell	Big Score Card	17-Jul-09															
Bud	Dunn	Downtown Pusher	21-Aug-08															
Steve	Dunn	Tommy Lee Jones	20-Mar-10															
Luckey	Easterling	Gen's Stone Cutter	30-Aug-10															
Eva	Eddleman	Private Charter	23-Aug-08															
Jeff	Edwards	Seve's Pushing Gold	22-Aug-08															
Misty	Edwards	Seve's Pushing Gold	22-Aug-08															
Roger	Emerick	It's Billy the Kid	21-Aug-08															
Richard	Evans	Caddy Shack	30-Aug-10															
	Falcon Ridge farm	Loose Spirit	25-Aug-08															
James	Falkner	Bacall	4-Jun-09		James	Falkner	Bacall	1-Sep-09		James	Falkner	Bacall	28-Aug-09		James	Falkner	Free to Score	4-Jun-09
Timothy	Fitzgerald	Maxxed Out	22-Aug-08		Tim	Fitzgerald	Hydrostatic	18-Mar-10										
Preach	Fleming	Showboat's Satin Doll	23-Aug-08		Preach	Fleming	Dollar's Electrolglide	23-Aug-08		Preach	Fleming	Showboat's Satin Doll	25-Aug-08					
Altha	Fisher	He's Top Priority	30-Aug-10															
Mitchell	Floyd	Mister Parazz	10-Jul-08															
Jenny	Flunk	Prideful Intention	23-Aug-08															
Jim	Flunk	Prideful Intention	23-Aug-08															
Ron	Folger	All Natural	19-Jun-08		Ron	Folger		18-Jun-08										
Darrell	Frazier	He's Solid As A Rock	21-Aug-08		Darrell	Frazier	Jose (Ma' Gico) Magico	3/18/2010										
Ray	Gilmer	Puttin It On the Line	25-Aug-08		Ray	Gilmer	Loose Spirit	25-Aug-08										
Charles	Gleghorn	Loose n' Busty	9-Sep-09		Charles	Gleghorn	Hard Cash's Magic Mark	20-Jun-09										
Joy	Gleghorn	Hard Cash's Magic Mark	20-Jun-09															
Erin	Graf	Silverado Spirit	25-Aug-08															
David	Graf	Silverado Spirit	25-Aug-08															
Wanda	Graham	Really Impressive	25-Sep-10															
Jackson	Gratton	Lucky Sadie	10-Jul-09															
Drew	Graves	Thief N Da Skies	23-Aug-08															
Jeff	Green	Airline	22-Aug-08		Jeff	Green	General's Show Stopper	23-Aug-08										
Charlie	Green	King of the Jungle	23-Aug-08		Charlie	Green	King of the Jungle & Jose's Flamingo Dance	August 30, 2010 & August 31, 2010										
Ronald	Grider	Busting with Design	29-Aug-09															
Nancy	Groover	Texarkana	21-Aug-08															
Wink	Groover	Texarkana	21-Aug-08															
Ronnie	Gullett	American Idol	21-Aug-08															
Dusty	Hall	An Ideal Evening	30-Aug-09															
Howard	Hamilton	Lined Up At The Ritz	30-Aug-10															
Lauren	Hamilton	Have No Fear	21-Aug-08															
Jacqueline	Hammons	She's Armed & Liberated	19-Mar-10															
Steve	Hankins	Moab	23-Aug-08															
William	Harlin Jr	Rowdy Rev	29-Aug-09															
Susie	Harmon	He's Ritz N Cash	22-Apr-09															
Molly aka Susie	Harmon	He's Ritz N Cash	22-Apr-09															
Justin	Harney	Jazz Eclipse	9-Sep-09															
Courtney	Harper	Busting with Design	29-Aug-09															
Jeff	Hatcher	Blackjack's Guilty Pleasure	21-Aug-08		Jeff	Hatcher	Blackjack's Guilty Pleasure	25-Aug-08										
Jeffery	Heffington	Loose n' Busty	9-Sep-09															
James	Helting	Dragonfire	9-Sep-09															
Wayne	Helms	Exchange Rate	11-Jul-09															

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Brandon	Helms	Exchange Rate	11-Jul-09															
Lindsay	Henry	Olympic Pusher	19-Jun-08															
Robbie	Hewitt	Double XL	7-Jun-08															
Courtney	Hicks	Bust Me Loose	10-Jul-08		Courtney	Hicks	Bust me Loose		23-Aug-08									
Suzanne	Hicks	Bust Me Loose	10-Jul-08		Suzanne	Hicks	Bust me Loose		23-Aug-08									
Doug	Hickson	Bust me Loose	23-Aug-08															
Sharon	Higginbotham	Williwalkin	25-Aug-08		Sharon	Higginbotham	Williwalkin'		9-Sep-09									
Jerry	Higginbotham	Lucky Sadie	10-Jul-09															
Bob	Hill	Holyfield	19-Jun-08															
Judy	Hill	Holyfield	19-Jun-08															
Donna	Hill	A Dangerous Man	1-Sep-09															
Melissa	Hoffman	Lady Irish	10-Jul-08															
Alexandria	Holland	Di Maggio	9-Sep-09															
Rita	Hudgens	Downtown Pusher	21-Aug-08															
Brad	Huffman	Really Impressive	25-Sep-10															
Donna	Huffman	Victory Colors	23-Aug-08															
Jim	Huffman	Victory Colors	23-Aug-08															
Farrel	Hughes	Finals Masquerade	10-Jul-08															
Vicki	Hughes	Finals Masquerade	10-Jul-08															
Kent	Hyde	Halle Berry	9-Sep-10															
Janice	Hyde	Halle Berry	9-Sep-10															
	Irby Farms	Airline	22-Aug-08															
Roger	Ivins	A Major Rebel	31-Aug-10															
	Jerry Collier Stables	The Big Show	23-Aug-08															
Erica	Jenne	Jose (Ma'Gico) Mag'ico	18-Mar-10															
Sandra	Johnson	Lined Up At The Ritz	30-Aug-10															
Scott	Johnson	Exchange Rate	11-Jul-09															
Anna	Johnson	Exchange Rate	11-Jul-09															
J.	Johnson	A Few Dollars	25-Aug-08															
William	Johnson	Pro V 1	30-Aug-10															
Maddie	Jones	Youth Equitation	23-Aug-08															
Austin	Jones	Jordan	23-Aug-08															
	Jowers Family	Puttin It On the Line	25-Aug-08															
Barbara	Kenehan	He's 3 Under Par	10-Jul-09															
James	Kenehan	He's 3 Under Par	10-Jul-09															
Kallin	Kesselring	Pusher Dream Maker	23-Aug-08															
Kasey	Kesselring	Bold Reaction	19-Mar-10															
Robert	Kirkpatrick	Magik of JFK	20-Jun-08															
Jerry	Knotts	Paroled on Easter Sunday	9-Apr-09															
Robbie	Knotts	Paroled on Easter Sunday	9-Apr-09															
	Lackey Properties	Dominick	30-Aug-10															
Laurie	Lafontaine	Scores Heartbreaker	17-Jul-09															
Roberto	Landaverde	Dollar Overdue	1-Sep-09															
Lindsay	Landrum	Ritzey Zone	25-Aug-08		Lindsay	Landrum	I'm Splashed		3/20/2010									
Craig	Latham	A Dangerous Man	1-Sep-09															
Carol	Latham	Aja	9-Sep-09															
Jerry	Laughlin	Bronco Billy	22-Apr-09															
Shane	Laws	The Big Show	23-Aug-08															
Sonny	Lawson	Hes 3 Under Par	10-Jul-09															
Judy	Leek	Jose's Delightful Pusher	23-Aug-08															
Scott	Leonard	The Family Jewels	22-May-09															
Kim	Leonard	The Family Jewels	22-May-09															
Layne	Leverette	Bronco Billy	22-Apr-09															
Glenda	Levin	Generators Sun Devil	15-May-09															
Grant	Lindaman	Free to Score	4-Jun-09															
Samantha	Lindaman	Free to Score	4-Jun-09															
Kathi	Lindaman	Free to Score	4-Jun-09															
Zachary	Lorraine	Struttin Dumas	29-Aug-09															

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Robin	MacDonald	Copy's Touchtone	27-Aug-09															
Skyler	Macleod	Heart of a Woman	10-Jul-09															
Joe	Manis	Chance of Cash	23-Aug-08															
Rena	Manis	Chance of Cash	23-Aug-08															
Rosalee	Manning	Limelight is Armed	17-Apr-09															
Rae	Martin	Jose Today	7-Jun-08															
John	Martin	Dream Big	7-Jun-08															
Judy	McDonald	Black Cash Delight	31-Aug-10															
Curtis	McCloy	A Strong Dollar	23-Aug-08															
Jimmy	McConnell	She's Armed & Liberated	19-Mar-10		Jimmy	McConnell	Pro V 1	8/30/2010		Jimmy	McConnell	Sky Miles	3/20/2010					
Mickey	McCormick	Sunrise Heartbeat	19-Jun-08		Micky	McCormick	American Idol	21-Aug-08		Micky	McCormick	Santana's Supernatural	22-Aug-08					
Jeffery	McGee	Sunrise Heartbeat	19-Jun-08															
Lu Rue	McWaters	A Diamond from JFK	24-Apr-09															
Randy	Messer	Duck Walking	10-Jul-08															
Family	Messer	Duck Walking	10-Jul-08															
Martha	Milligan	Jose's Flamingo Dancer	31-Aug-10															
Clay	Mills	Royal Luck	25-Aug-08															
Corbin	Mills	Royal Luck	25-Aug-08															
Derek	Monahan	All Natural	19-Jun-08		Derek	Monahan		19-Jun-08										
Gerald	Montgomery	Bingo Hall	19-Mar-10															
Sara	Montgomery	Paroled on Easter Sunday	9-Apr-09															
Eugenia	Morales	Olympic Pusher	19-Jun-08															
Steve	Mosley	Chillin the Most	19-Jun-08															
Brad	Murrath	General's Show Stopper	23-Aug-08															
Gale	Myers	I'm Bold and Beautiful	9-Apr-09															
Alie	Napier	Don Julio	21-May-09															
Tim	Napier	Don Julio	21-May-09															
Alie	Napier	Don Julio	September 22, 2007	2009														
Harry	Nisbett	Radical Jazz	1-Sep-09															
John	Odom	Chance of Cash	23-Aug-08															
Allison	Oliver	Majestic Jazz	4-Sep-09															
Bradley	Parker	Gen's Secret Warrior	22-Aug-08															
Ricky	Parker	Gen's Secret Warrior	22-Aug-08															
Zach	Parsons	Paroled on Easter Sunday	9-Apr-09															
Sherry	Patton	Mkeys Twist and Shout	9-Apr-09															
Howard	Peden	The Big Show	23-Aug-08															
Dick	Peebles	Southern Dollar	19-Mar-10		Dick	Peebles	Dominick	8/30/2010										
Megan	Peebles	Copy's Touchtone	21-Aug-08															
Sharon	Peebles	General's Show Stopper	23-Aug-08															
Megan	Peebles	Copy's Touchtone	27-Aug-09															
Kelly	Peevy	Outta Line	23-May-09															
Maria	Perry	Express Frosty Girl	23-Aug-08															
Chris	Pickel	Big Bed Bubba	22-Aug-08															
Millie	Player	Rhyth'n N Rain	10-Jul-08															
Shane	Porterfield	Struttin Dumas	29-Aug-09															
Greta	Potter	C'Mon Turn Me Loose	3-Jul-09															
Elysse	Powell	Sippin Tennessee Gen	17-Apr-09															
Don	Pratt	Ozone's Cut Above All	30-Aug-10															
Derek	Price	Youth Equitation	23-Aug-08															
Kip	Prosser	Miss Silver Mountain	21-Aug-08															
John	Puckett	Bust me Loose	10-Jul-08															
Connie	Ray	Almost Indecent	10-Jul-08															
	Ray Jones trucking Inc	Jordan	23-Aug-08															
Karen	Rector	Smoke N Cash MM	23-Aug-08															
Judy	Reece	Maxxed Out	22-Aug-08															
Chad	Renner	I'm Dizzy Gillespie	3-May-09															
Barbara	Reynolds	Southern Dollar	19-Mar-10															

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Alan	Riddley	Generating High Sky	22-Aug-08															
Lorie	Riddley	Generating High Sky	22-Aug-08															
Terry	Riddley	Major Strech	30-Aug-09															
Kaitlyn	Rippy	Command's Mandy	22-Aug-08															
Nick	Rippy	Command's Mandy	22-Aug-08		Nick	Rippy	Dollar's Charming Lady	22-Aug-08										
Kaitlyn	Rippy	Dollar's Charming Lady	22-Aug-08															
Randal	Ritter	Diamonds and Dollars	18-Jul-09															
Bobby	Roberts	Good Golly Miss Molly	10-Jul-08		Bobby	Roberts	Almost Indecent	10-Jul-08										
Clyde	Robertson	Dollars and Sense	5-Jun-09															
Grace	Robertson	Dollars and Sense	5-Jun-09															
Homer Lindy	Rogers	Armed by the Nine	29-Aug-09															
David	Rose	Loose Spirit	25-Aug-08															
Patty	Rose	Loose Spirit	25-Aug-08															
Keith	Rosbury	He's Top Priority	30-Aug-10															
Lorraine	Rosbury	He's Top Priority	30-Aug-10															
Amy	Roseman	Royal Diamond Cutter	22-Aug-08															
Dan	Rowlick	Jose's All Pro	21-Aug-08															
Bill	Russell	Santana's Supernatural	22-Aug-08															
Alice	Russell	Santana's Supernatural	22-Aug-08															
Cassly	Rutherford	Big Bed Bubba	22-Aug-08															
Clay	Sanderson	A Few Dollars	25-Aug-08															
Palmer	Scherf	Bacall	4-Jun-09		Palmer	Scherf	Bacall	1-Sep-09		Palmer	Scherf	Bacall	28-Aug-09					
Ellen	Scherf	Bacall	4-Jun-09		Ellen	Scherf	Bacall	1-Sep-09					28-Aug-09					
Sonny	Scrivner	Scores Heartbreaker	17-Jul-09															
Barry	Shelton	It's Electric	30-Aug-09															
Donna	Shelton	It's Electric	30-Aug-09															
Glenn	Shelton	It's Electric	30-Aug-09															
Sydney	Shortridge	Dollar's Electroglide	23-Aug-08															
Donna	Shortridge	Dollar's Electroglide	23-Aug-08															
Scott	Shortridge	Dollar's Electroglide	23-Aug-08															
Roger	Sifferman	Dollars and Sense	5-Jun-09															
Ginger	Simpson	Blackjack's Guilty Pleasure	21-Aug-08		Ginger	Simpson	Blackjack's Guilty Pleasure	25-Aug-08		Ginger	Simpson	Majestic Jazz	4-Sep-09					
Shelby	Sims	Smooth Sky's	22-Aug-08															
Douglas	Smiley	I'm Dizzy Gillespie	3-May-09															
Annabelle	Smith	Pushin That Jazz	10-Jul-08															
Dalia	Smith	Pushin That Jazz	10-Jul-08															
Kenney	Smith	Miss Keeneland	31-Aug-10															
Molly	Smith	Pushin That Jazz	10-Jul-08		Molly	Smith	Miss Keeneland	8/31/2010										
Betty	Smith	Gen's Flaming Rose	22-Aug-08															
Tim	Smith	Bingo Hall	3/19/2010		Tim	Smith	I'm Splashed			Tim	Smith	She's One Hot Tamale	3/20/2010		Tim	Smith	Dirty Sexy Money	30-Aug-10
Ray	Solley	I'm the Gambler	9-Sep-09															
Ronnie	Spears	Radical Jazz	1-Sep-09															
Daniel	Spoone	Stocked With Cash	10-Jul-09		Ronnie	Spears	It's Only A Game	17-Jul-09										
Joe	Spoone	Stocked With Cash	10-Jul-09															
Billy	Stanfill	Skywalk In Bronze	21-Aug-08															
Ron	Stanfill	Skywalk In Bronze	21-Aug-08															
Seth	Stanfill	Skywalk In Bronze	21-Aug-08															
Jerry	Stephens	Have No Fear	21-Aug-08															
Nestor	Stewart	King of the Jungle	23-Aug-08		Nestor	Stewart	King of the Jungle	30-Aug-10										
Alexis	Stinnett	Hank's 38 Special	30-Aug-09															
Melissa	Stinnett	Hank's 38 Special	30-Aug-09															
Kenneth	Sirn	Dollar Overdue	1-Sep-09															
Charles	Sivers	Smoke N Cash MM	23-Aug-08															
Brian	Strickland	General Opinion	7-Jun-08		Brian	Strickland	Dream Big	7-Jun-08										
Marco	Suarez	Limelight is Armed	17-Apr-09															

First Name	Last Name	Horse Name	Violation Date	2nd Violation	First Name	Last Name	Horse Name	Violation Date	3rd Violation	First Name	Last Name	Horse Name	Violation Date	4th Violation	First Name	Last Name	Horse Name	Violation Date
Cindy	Sullivan	It's Only A Game	17-Jul-09															
Heather	Taylor	Dark Spirits Mack Daddy	10-Jul-09															
Robert	Taylor	Miss Teddie Williams	31-Aug-10															
	The Stables at Alpha Place	My Susan B Anthony	23-Apr-09															
Patrick	Thomas	Lined Up At The Ritz	30-Aug-10															
Ricky	Thompson	Good Golly Miss Molly	10-Jul-08															
Curtis	Thompson	Good Golly Miss Molly	10-Jul-08															
Jamesy	Thompson	Dragonfire	9-Sep-09															
Roy Gradie	Thorniton	It's Only A Game	17-Jul-09															
Kari	Tisma	American Idol	21-Aug-08															
Sasha	Tofft	Dark Spirits Mack Daddy	10-Jul-09															
John	Tony	Duck Walking	10-Jul-08															
Angela	Tuck	Another Miss Scored	30-Aug-10															
Grandy	Tuck	Another Miss Scored	30-Aug-10															
Larry	Tudor	I'm Just Jesse	19-Jun-08															
Ruth	Tudor	I'm Just Jesse	19-Jun-08															
Ray	Turner	Showboat's Satin Doll	25-Aug-08		Ray	Turner	Showboat's Satin Doll	25-Aug-08										
William	Turner	Showboat's Satin Doll	25-Aug-08		William	Turner	Showboat's Satin Doll	25-Aug-08										
Stan	Uradzionek	Sippin Tennessee Gen	17-Apr-09															
Sheila	Vansickle	Heart of a Women	10-Jul-09															
Tommy	Vinson	High Tide at The Ritz	22-Aug-08		Tommy	Vinson	Jose's Delightful Gal	8/31/2011										
Pat	Vinson	High Tide at The Ritz	22-Aug-08															
George	Walker	He's Chilly Willie	9-Apr-09															
Amanda	Walker	He's Chilly Willie	9-Apr-09															
Gail	Walling	Black Cash Delight	31-Aug-10															
Tommy	Warren	Express Frosty Girl	21-Aug-08		Tommy	Warren	A Few Dollars	25-Aug-08										
Eddie	Wagers	Miss Keeneland	31-Aug-10															
Jonathan	Watts	Gen's Stone Cutter	30-Aug-10															
Alex	Way	Showboat Silk	23-Aug-08															
	Wayne Dean Stables	Pusher Dream Maker	23-Aug-08															
Joel	Weaver	A Strong Dollar	23-Aug-08															
Link	Webb	Chillin the Most	19-Jun-08		Link	Webb	Maxima	19-Jun-08		Link	Webb	Holyfield	19-Jun-08					
Richard	Whisnart	Baker's Southern Comfort	11-Jul-09															
Holly	Whisnart	Baker's Southern Comfort	11-Jul-09															
Maggie Mae	White	Ebony's Big Ticket	3-Jul-08															
Rosenary	Whitley	Gen's Olvry's Gold	10-Jul-08															
Abby	Whitley	Gen's Olvry's Gold	10-Jul-08															
Freida	Widner	Lucky Sadie	10-Jul-09															
Bobbie	Williams	Halle Berry	9-Sep-10															
Jerry	Williams	Generating High Sky	22-Aug-08		Jerry	Williams	Major Strech	30-Aug-09										
Jacklyn	Williams	Jazz Eclipse	9-Sep-09															
Taylor	Willis	Maxxed Out	22-Aug-08															
Darrell	Wilson	Lady Irish	10-Jul-08															
Cliff	Wilson	Thief N Da Skies	23-Aug-08															
Gwain	Wilson	I'm All Fired Up	23-Aug-08															
Danyelle	Woolridge	A Major Rebel	31-Aug-10															
Casey	Wright	Dollars and Sense	5-Jun-09		Casey	Wright	It's Electric	30-Aug-09										
Hillman	Wright	Jose' El Loco	22-May-09															
Jacque	Wright	Jose' El Loco	22-May-09															
Allen	Wyett	Gen's Flaming Rose	22-Aug-08		Allen	Wyett	Jordan	23-Aug-08										
Menno	Yoder	I'm the Gambler	9-Sep-09															
Harry	York	Will-E-Walk	23-Aug-08															
Trudy	York	Will-E-Walk	23-Aug-08															
Kenneth	Young	Beam's Rapid Express	30-Apr-08															
Johnny	Young	Beam's Rapid Express	30-Apr-08															
Tina	Young	Beam's Rapid Express	30-Apr-08															
Andrea	Zahnd	Outta Line	23-May-09															
Aleyne	Zumwalt	Pusher's Royal Duchess	30-Apr-09															
7th Heaven Farm		Ebony's Big Ticket	3-Jul-08															
Puckett Stables		Bust Me Loose	10-Jul-08															

Possible Laboratories

Galbraith Laboratories, Inc.

Mailing Address: P.O. Box 51610, Knoxville, TN 37950-1610

Physical Address: 2323 Sycamore Drive, Knoxville, TN 37921-1750

Toll Free Telephone: 1-877-449-8797

Telephone: 1-865-546-1335

Fax: 1-865-546-7209 Fax

e-mail: labinfo@galbraith.com

<http://www.galbraith.com/>

Oak Ridge National Laboratory

P.O. Box 2008

Oak Ridge, TN 37831

<http://www.ornl.gov/>

Telephone Number You can reach our Communications office at
(+1) 865.574.4160.

S&N Labs ~ Custom Chemical Analysis & Laboratory Testing

Contact Information:

2021 E. Fourth Street, Suite 112

Santa Ana, CA 92705

Tel: 714-543-2211

E-Mail: chemist@snlabs.com

<http://www.snlabs.com/mass-spectroscopy.html>

Intertek Laboratories

<http://www.intertek.com/chromatography/gas/>

EXHIBIT 4



USDA APHIS Horse Protection Program
Foreign Substance Report Per Inspection

8/21-8/30/2014: Tennessee Walking Horse National Celebration, Shelbyville, TN

Substance found

Isopropyl Myristate

Isopropyl Myristate

Isopropyl Myristate, o-Aminoazotoluene and Isopropyl Palmitate

o-Aminoazotoluene and Octyl methoxycinnamate

Isopropyl Myristate and Isopropyl Palmitate

Isopropyl Palmitate

Sulfur and Octyl methoxycinnamate

o-Aminoazotoluene

Isopropyl Palmitate and Vitamin E acetate

Isopropyl Myristate and Vitamin E acetate

Sulfur and o-Aminoazotoluene

o-Aminoazotoluene

o-Aminoazotoluene

Vitamin E acetate

Vitamin E acetate

Isopropyl Palmitate, o-Aminoazotoluene and Vitamin E acetate

Isopropyl Palmitate and o-Aminoazotoluene

Isopropyl Palmitate

o-Aminoazotoluene

o-Aminoazotoluene

Benzocaine

Isopropyl Palmitate

Octyl methoxycinnamate

o-Aminoazotoluene

o-Aminoazotoluene

Isopropyl Palmitate and o-Aminoazotoluene

o-Aminoazotoluene

Isopropyl Palmitate

Vitamin E acetate

Isopropyl Palmitate

Isopropyl Palmitate and Octyl methoxycinnamate

Octyl methoxycinnamate

o-Aminoazotoluene

Isopropyl Palmitate

Isopropyl Palmitate and Vitamin E acetate

o-Aminoazotoluene

Isopropyl Palmitate

o-Aminoazotoluene, Octyl methoxycinnamate and Vitamin E acetate

Isopropyl Palmitate

Isopropyl Palmitate and Octyl methoxycinnamate

o-Aminoazotoluene

Octyl methoxycinnamate



USDA APHIS Horse Protection Program
Foreign Substance Report Per Inspection

o-Aminoazotoluene
Isopropyl Palmitate
Isopropyl Myristate and o-Aminoazotoluene
Octyl methoxycinnamate
o-Aminoazotoluene
Octyl methoxycinnamate
o-Aminoazotoluene
Isopropyl Palmitate
o-Aminoazotoluene
o-Aminoazotoluene
Lidocaine
Isopropyl Palmitate and Vitamin E acetate
o-Aminoazotoluene
Lidocaine and Octyl methoxycinnamate
Isopropyl Myristate, Isopropyl Palmitate and Vitamin E acetate
Isopropyl Myristate
o-Aminoazotoluene, Octyl methoxycinnamate, and 1,4-bis[(1-methylethyl)amino]-9,10-Anthracenedione
Isopropyl Palmitate
Octyl methoxycinnamate
o-Aminoazotoluene
Isopropyl Palmitate, o-Aminoazotoluene and Octyl methoxycinnamate
o-Aminoazotoluene
Isopropyl Palmitate
125 Samples taken - 65 Positive

EXHIBIT 5

Summary of USDA 2010 – 2013 Foreign Substance Analysis

According to USDA statistics regarding 2010-2013 foreign substance testing, 74% of samples tested positive for prohibited substances, including soring and numbing agents.

2013

- At the 2013 Mississippi Charity Horse show, 55% tested positive (20 tested, 11 positive). Counterirritants (20 tested, 8 positive) = 40%; Masking agents (20 tested, 8 positive) = 40%; Numbing agents (20 tested, 1 positive) = 5%.
- At the 9th Annual South Alabama Charity Walking & Racking Horse Show, 70% tested positive (10 tested, 7 positive). Counterirritants (10 tested, 7 positive) = 70%; Masking agents (10 tested, 5 positive) = 50%; Numbing agents (10 tested, 3 positive) = 30%.
- At the 2013 West Coast Trainers Show, 91% tested positive (23 tested, 21 positive). Counterirritants (23 tested, 19 positive) = 83%; Masking agents (23 tested, 4 positive) = 17%; Numbing agents (23 tested, 9 positive) = 39%.
- At the 2013 Gulf Coast Charity Trainers' Horse Show, 100% tested positive (3 tested, 3 positive). Counterirritants (3 tested, 3 positive) = 100%; Masking agents (3 tested, 3 positive) = 100%; Numbing agents (3 tested, 0 positive) = 0%.
- At the 28th Annual SSHBEA Spring Horse Show, 67% tested positive (6 tested, 4 positive*). Counterirritants (6 tested, 3 positive) = 50%; Masking agents (6 tested, 0 positive) = 0%; Numbing agents (6 tested, 0 positive) = 0%. (One sample positive for 9-octadecenamide, a chemical not categorized by USDA as a counterirritant, masking agent, or numbing agent).
- At the Derby Classic Horse Show, 80% tested positive (5 tested, 4 positive). Counterirritants (5 tested, 4 positive) = 80%; Masking agents, (5 tested, 1 positive) = 20%; Numbing agents (5 tested, 0 positive) = 0%.
- At the 40th Annual Upper Cumberland Walking Horse Show, 90% tested positive (10 tested, 9 positive). Counterirritants (10 tested, 9 positive) = 90%; Masking agents (10 tested, 6 positive) = 60%; Numbing agents (10 tested, 0 positive) = 0%.
- At the 2013 Bedford County 4H Spring Festival Horse Show, 50% tested positive (4 tested, 2 positive). Counterirritants (4 tested, 2 positive) = 50%; Masking agents (4 tested, 2 positive) = 50%; Numbing agents (4 tested, 0 positive) = 0%.
- At the 2013 California Celebration, 55% tested positive (33 tested, 18 positive). Counterirritants (33 tested, 18 positive) = 55%; Masking agents (33 tested, 13 positive) = 57%; Numbing agents (33 tested, 7 positive).
- At the Bolivar Saddle Club Horse Show, 57% tested positive (7 tested, 4 positive). Counterirritants (7 tested, 3 positive) = 43%; Masking agents (7 tested, 4 positive) = 57%; Numbing agents (7 tested, 1 positive) = 14%.
- At the Southwest Missouri All Breed Gaited Show, 64% tested positive (11 tested, 7 positive). Counterirritants (11 tested, 6 positive) = 55%; Masking agents (11 tested, 4 positive) = 57%; Numbing agents (11 tested, 3 positive) = 27%.
- At the Rocky Mountain Horse Association Kilburn Memorial Championship Charity Gaited Gala, all 10 samples tested negative for illegal foreign substances.
- At the Sizzling Hot Charity Walking & Racking Horse Show, 69% tested positive (16 tested, 11 positive). Counterirritants (16 tested, 9 positive) = 56%; Masking agents (16 tested, 2 positive) = 13%; Numbing agents (16 tested, 1 positive) = 6%.
- At the 46th Annual MID Ams Grand Slam Horse Show, 39% tested positive (18 tested, 7 positive, including 2 samples testing positive for permethrin, a chemical uncategorized

by USDA). Counterirritants (18 tested, 4 positive) = 22%; Masking agents (18 tested, 4 positive) = 22%, Numbing agents (18 tested, 1 positive) = 6%.

- At the Owen County Fair Horse Show, 20% tested positive (5 tested, 1 positive). Counterirritants (5 tested, 1 positive) = 20%; Masking agents (5 tested, 1 positive) = 20%; Numbing agents (5 tested, 0 positive) = 0%.
- At the St. Louis Regional Foxtrotters Annual All-Gaited Horse Show, all 5 samples tested were negative for illegal foreign substances.
- At the 75th Annual Tennessee Walking Horse National Celebration, 67% tested positive (128 tested, 86 positive). Counterirritants (128 tested, 83 positive) = 65%; Masking agents (128 tested, 48 positive) = 38%; Numbing agents (128 tested, 5 positive) = 4%.

Total for 2013: 62% positive (314 tested, 195 positive).

Counterirritants 92%, Masking Agents 54%, Numbing Agents 16%

2012

- At the 2012 National Trainers' Show, 95% tested positive (22 tested, 21 positive). Counterirritants (22 tested, 21 positive) = 95%; Masking agents (22 tested, 14 positive) = 64%; Numbing agents (22 tested, 3 positive) = 14%.
- At the 22nd Annual Spring SCWHLA Festival Horse Show, 100% tested positive (5 tested, 5 positive). Counterirritants (5 tested, 5 positive) = 100%; Masking agents (3 tested, 5 positive) = 60%; Numbing agents (5 tested, 4 positive) = 80%.
- At the Bedford County 4-H Spring Festival Horse Show, 100% tested positive (5 tested, 5 positive). Counterirritants (5 tested, 5 positive) = 100%; Masking agents (5 tested, 5 positive) Numbing agents (5 tested, 5 positive) = 80%.
- At the 2012 Gulf Coast Charity Celebration, 100% tested positive (18 sampled, 18 positive). Counterirritants (18 tested, 17 positive) = 94%; Masking agents (18 tested, 10 positive) = 56%; Numbing agents (18 tested, 12 positive) = 67%.
- At the 2012 Cumberland Classic Horse Show, 25% tested positive (4 sampled, 1 positive). Counterirritants (4 tested, 0 positive) = 0%; Masking agents (4 sampled, 1 positive) = 25%; Numbing agents (4 sampled, 0 positive) = 0%.
- At the 2012 South Central Ruritan Horse Show, 54% tested positive (13 sampled, 7 positive). Counterirritants (13 tested, 7 positive) = 54%; Masking agents (13 sampled, 5 positive) = 38%; and 4, 13 tested positive for numbing agents (31%).
- At the 2012 WHOA Versatility Show, 11% tested positive (18 tested, 2 positive). Counterirritants (18 tested, 1 positive) = 6%; Masking agents (18 tested, 1 positive) = 6%; Numbing agents (18 tested, 2 positive) = 11%.
- At the 2012 Petersburg Lions Club Riders Cup, 87% tested positive (15 sampled, 13 positive). Counterirritants (15 tested, 13 positive) = 87%; Masking agents (13 tested, 7 positive) = 54%; Numbing agents (13 tested, 9 positive) = 69%.
- At the 2012 Celina Walking Horse Show, 72% tested positive (18 sampled, 13 positive). Counterirritants (18 tested, 11 positive) = 61%; Masking agents (18 samples tested, 9 positive) = 50%; Numbing agents (18 tested, 8 positive) = 44%.
- At the 42nd Annual Spring Fun Show, 73% tested positive (30 tested, 22 positive). Counterirritants (30 tested, 22 positive) = 73%; Masking agents (30 tested, 13 positive) = 43%; Numbing agents (30 tested, 3 positive) = 10%.
- At the 2012 Brodhead Lions Club Show, 40% tested positive (5 tested, 2 positive). Counterirritants (5 tested, 2 positive) = 40%; Masking agents (5 tested, 2 positive) = 40%; Numbing agents (5 tested, 2 positive) = 40%.

- At the 2012 Columbia Spring Jubilee, 50% tested positive (8 tested, 4 positive). Counterirritants (8 tested, 2 positive) = 25%; Masking Agents (8 tested, 2 positive) = 25%; Numbing agents (8 tested, 1 positive) = 13%. 1 sample (13%) tested positive only for Dilauryl Thiodipropionate, which is not categorized in the USDA document identifying foreign substances.
- At the 2012 Carter County Shrine Horse Club Show, 80% tested positive (10 tested, 8 positive). Counterirritants (10 tested, 7 positive) = 70%; Masking agents (10 tested, 6 positive) = 60%; Numbing agents (10 tested, 2 positive) = 20%.
- At the 2012 Lawrenceburg Lions Club 4th Annual TWH Show, 59% tested positive (22 tested, 13 positive). Counterirritants (22 tested, 9 positive) 41%; Masking agents (22 tested, 9 positive) = 41%; Numbing agents (22 tested, 6 positive) = 27%.
- At the 6th Annual Cumberland County Open Walking Horse Show, 83% were positive (6 tested, 5 positive). Counterirritants (6 tested, 4 positive) = 67%; Masking agents (6 tested, 4 positive) = 67%; Numbing agents (6 tested, 4 positive) = 50%.
- At the 43rd Annual Tennessee Walking Horse Classic, 67% tested positive (3 tested, 2 positive). Counterirritants (3 tested, 1 positive) = 33%; Masking agents (3 tested, 2 positive) = 67%; Numbing agents (3 tested, 1 positive) = 33%.
- At the Tony Rice Center Horse Show, 60% tested positive (5 tested, 3 positive). Counterirritants (5 tested, 3 positive) = 60%; Masking agents (5 tested, 3 positive) = 60%; Numbing agents (5 tested, 1 positive) = 20%.
- At the 2012 Annual Lions Club of Warren County Walking Horse Show, 75% were positive (8 tested, 6 positive). Counterirritants (8 tested, 6 positive) = 75%; Masking agents (8 tested, 6 positive) = 25%.
- At the 2012 Estill County Fair Horse Show, 100 % were positive (1 tested, 1 positive). Counterirritants (1 tested, 1 positive) = 100%; Masking agents (1 tested, 0 positive) = 0%; Numbing agents (1 tested, 1 positive) = 100%.
- At the 2012 Pacific Northwest Jamboree, 24% of horses tested positive (25 tested, 6 positive). Counterirritants (25 tested, 3 positive) = 25%; Masking agents (25 tested, 5 positive) = 20%; Numbing agents (25 tested, 0 positive) = 0%.
- At the 2012 Marshall County Horseman's Association Horse Show, 83% were positive (6 tested, 5 positive). Counterirritants (6 tested, 5 positive) = 83%; Masking agents (6 tested, 5 positive) = 83%; Numbing agents (6 tested, 0 positive) = 0%.
- At the Illinois State Fair, 50% were positive (6 tested, 3 positive). Counterirritants: (6 tested, 2 positive) = 33%; Masking agents (6 tested, 1 positive) = 16%; Numbing agents (6 tested, 1 positive) = 16%. 1 horse tested positive for Tributyl Phosphate, a substance not categorized on USDA's foreign substance definitions document.
- At the 2012 Tennessee Walking Horse National Celebration, 76% were positive (190 tested, 145 positive). Counterirritants (134, 190) = 71%; Masking agents (190 tested, 138 positive) = 73%; Numbing agents (190 tested, 3 positive) = 2%.
- At the 2012 National in Wilmington OH, 0% were positive (11 tested, 0 positive).

Total for 2012: 65% positive (478 tested, 309 positive).

Counterirritants 91%, Masking Agents 81%, Numbing Agents 23%

2011

- At the 2011 Celebration, 98% tested positive (156 tested, 153 positive) (Counterirritants (52 tested, 51 positive) = 98, Numbing Agents (52 tested, 37 positive) = 71.1%, %, Masking Agents (52 tested, 45 positive) = 86.5%)
- At the 2011 Fun Show, 95% tested positive (20 tested, 19 positive)

(Counterirritants (20 tested, 19 positive) = 95%, Numbing Agents (20 tested, 13 positive) = 65%, Masking Agents (20 tested, 18 positive) = 90%)

- At the 2011 National Trainers Show, 92% tested positive (13 tested, 12 positive) (Counterirritants (13 tested, 12 positive) = 92.3%, Numbing Agents (13 tested, 7 positive) = 54%, Masking Agents (13 tested, 12 positive) = 92.3%)

Total for 2011 - 97% tested positive (189 tested, 184 positive)

Counterirritants 96%, Numbing Agents 67%, Masking Agents 85%

2010

- At the 2010 National Trainers Show, 90% tested positive (20 tested, 18 positive) (Counterirritants (20 tested, 16 positive) = 80%, Numbing Agents (20 tested, 8 positive) = 40%, Masking Agents (20 tested, 12 positive) = 60%)
- At the 2010 ETWHTA, White Pine, TN, 95% tested positive (19 tested, 18 positive) (Counterirritants (19 tested, 17 positive) = 89.5%, Numbing Agents (19 tested, 3 positive) = 16%, Masking Agents (19 tested, 11 positive) = 58%)
- At the 2010 Baileyton Horse Show, 100% tested positive (6 tested, 6 positive) (Counterirritants (6 tested, 6 positive) = 100%, Numbing Agents (6 tested, 1 positive) = 16.6%, Masking Agents (6 tested, 5 positive) = 83.3%)
- At the 2010 SSHBEA Mid Season Classic, 50% tested positive (10 tested, 5 positive) (Counterirritants (10 tested, 5 positive) = 50%, Numbing Agents (10 tested, 0 positive) = 0%, Masking Agents (10 tested, 0 positive) = 0%)
- At the 2010 Celebration, 86% tested positive (302 tested, 261 positive) (Counterirritants (302 tested, 238 positive) = 79%, Numbing Agents (302 tested, 106 positive) = 35%, Masking Agents (302 tested, 184 positive) = 61%)

Total for 2010 - 86% tested positive (357 tested, 308 positive)

Counterirritants 79%, Numbing Agents 33.1%, Masking Agents 59.4%

Total for 2010-2013– 74% tested positive (1,338 tested, 996 positive)

Counterirritants 69%, Numbing Agents 41%, Masking Agents 55%

These results suggest that **74%** of horses randomly tested at shows attended by USDA during the reporting period had been treated with soring and, or numbing agents. This represents a much larger proportion of noncompliant horses than have been reported by the major USDA-certified horse industry organizations (HIO) as being noncompliant under the HPA as found by their inspections.

For example, the USDA's statistics for the 2011 Celebration indicate that a shocking 100% of the horses randomly tested for prohibited substances had positive test results. By sharp contrast, Dr. Steve Mullins, SHOW HIO President recently claimed "At The Celebration in 2011, the World Championship Horse Show, the compliance rate was over 98% working in cooperation with the USDA inspectors."¹

¹ Dr. Steve Mullins, "Walking horse industry responds to critical article", March 1, 2012 <http://www.t-g.com/story>,

These statistics highlight two critical issues: the illegal practice of soring is rampant throughout Tennessee Walking Horse competitions and the industry, through HIOs, can not or will not, properly uphold the Horse Protection Act.

Between 2008 – 2010, the USDA documented 395 first time foreign substance violators, some of which incurred 2nd, 3rd and 4th time violations during this time period. It is obvious that the current penalties are not stringent enough to deter competitors from implementing illegal and cruel practices to place at a competition.

EXHIBIT 6

Known Citations for HPA Violations Issued to 2014 Celebration Prize-Winners

Name / Amount	Responsible Party	Horse Ticketed	Citation Date	Violation Type	HIO	Ticket #	Suspension Start	Suspension End	Total
Wright Stables / \$27,980 (Casey & Michael Wright)	Casey Wright	Jose's Bambino	8/24/2012	Foreign Substance	USDA	7060: TN130346-AC			
	Casey Wright	Jose's Double Down	8/27/2012	Foreign Substance	USDA	7060: TN130347-AC			
	Casey Wright	Jazz Under the Light	7/26/2012	Sore	USDA	7060: TN130075			
	Casey Wright	I'm Deuce	8/26/2012	Sore	USDA	7060: TN130075			
	Casey Wright	It's Electric	8/30/2009	Foreign Substance	USDA	7060: TN10092-AC			
	Casey Wright	Major Frivolous	8/27/2010	Sore, Scar Rule	USDA	7060: TN11038-AC			
	Casey Wright	.		Unilateral Sore	NHSC		9/26/2005	10/9/2005	
	Casey Wright	.		Scar Rule	NHSC		4/28/2007	5/11/2007	
	Casey Wright	.		Scar Rule	NHSC		6/17/2007	6/30/2007	
	Casey Wright	It's Electric	6/19/2010	Foreign Substance	SHOW	28866			
	Casey Wright	Fashion's Lucky Star	6/19/2010	Foreign Substance	SHOW	28865			
	Casey Wright	Famous Fame	7/22/2010	Scar Rule	SHOW	28677			
	Casey Wright	Jail Time	8/29/2010	Scar Rule	SHOW	29204			
	Casey Wright	All American Made	8/31/2010	Scar Rule	SHOW	29235			
	Casey Wright	I'm Deuce	5/28/2011	Unilateral Sore	SHOW	29473			
	Casey Wright	The Sky Queen	8/27/2011	Scar Rule	SHOW	29641			
	Casey Wright	Intimidating Choice	6/30/2012	Unilateral Sore	SHOW	630JPR1			
	Casey Wright	Lady Bertha	7/6/2012	Shoeing, Pads, Action Devices	SHOW	706MD1			
	Casey Wright	Jazz Under the Light	7/26/2012	Unilateral Sore	SHOW	0726BC4			
	Casey Wright	He's Unbridled	3/14/2014	Scar Rule	SHOW	40216			
Michael Wright	Michael Wright	I'm a Proud American	3/15/2013	Bilateral Sore	USDA	7060: TN130449-AC			
	Michael Wright	A Strong Need for Cash	8/27/2012	Foreign Substance	USDA	7060: TN130343-AC			
	Michael Wright	Padron	5/26/2011	Foreign Substance	USDA	7060: TN120040-AC			
	Michael Wright	Jose's Pretty Penny	8/25/2012	Foreign Substance	USDA	7060: TN130345-AC			
	Michael Wright	.		Unilateral Sore	NHSC		7/4/2005	7/17/2005	
	Michael Wright	.		Scar Rule	NHSC		3/11/2006	3/24/2006	
	Michael Wright	.		Not Specified	USDA		10/31/2001	6/30/2002	
	Michael Wright	.		Unilateral Sore	NHSC		1/14/2009	2/12/2009	
	Michael Wright	.		Scar Rule	SHOW		12/13/2011	12/26/2011	
	Michael Wright	Sweet Thang	8/28/2010	Scar Rule	SHOW	29170			
	Michael Wright	Black Gold	9/22/2010	Scar Rule	KY-HIO	2930			
	Michael Wright	A Strong Need for Cash	3/19/2011	Scar Rule	SHOW	29371			
	Michael Wright	Major Frivolous	5/27/2011	Scar Rule	SHOW	29465			
	Michael Wright	Padron	8/31/2011	Scar Rule	SHOW	29731			
	Michael Wright	Major Frivolous	9/3/2011	Unilateral Sore	SHOW	29766			
	Michael Wright	Skywalk in Bronze	10/6/2011	Scar Rule	PRIDE	514			
	Michael Wright	Skywalk in Bronze	11/11/2011	Scar Rule	SHOW	29798			

	Michael Wright	Jose's Pretty Pony	6/22/2012	Foreign Substance	SHOW	622JPR1			
	Michael Wright	I'm a Proud American	3/15/2013	Unilateral Sore	SHOW	29089			
	Michael Wright	Here's Your Change	3/15/2013	Unilateral Sore	SHOW	29083			
	Michael Wright	I'm Valuable	5/22/2014	Foreign Substance	SHOW	40321			41
Hannah Pulvers / \$22,111	No citations found.								0
Laurie Toone / \$19,213	Laurie Toone	Miss Lady	8/23/2010	Shoeing, Pads, Action Devices	SHOW	40192			
	Laurie Toone	Bustline	8/24/2013	Shoeing, Pads, Action Devices	SHOW	40200			2
Mickey McCormick / \$17,892	Mickey McCormick	BB Kings Jazz	4/21/2010	Scar Rule, Bilateral	SHOW	28756	7/14/2010- 7/13/2011		
	Mickey McCormick	Collector's Fame	8/21/2010		SHOW	29032			
	Mickey McCormick	Queen of Everything	8/27/2011	Foreign Substance	USDA	7060: TN13038-AC			
	Mickey McCormick	Jose's Ritzy Doll	9/2/2011	Scar Rule	SHOW	29763			
	Mickey McCormick	Ted's Snap Shot	4/28/2012	Scar Rule	SHOW	98748			
	Mickey McCormick	He's Trouble	6/8/2012	Other	PRIDE	1335	6/11/2012- 6/24/2012		
	Mickey McCormick	Secret Shot	6/16/2012	Scar Rule	PRIDE	1213			
	Mickey McCormick	Cashin' In On Voltage	8/4/2012	Scar Rule	SHOW	0804JPR2			
	Mickey McCormick	Country and Famous	8/29/2012	Foreign Substance	USDA	7060: TN130319-AC			
	Mickey McCormick	.		Unilateral	NHSC		12/17/2008- 1/15/2009		
	Mickey McCormick	.		Bilateral	SHOW		7/14/2010- 7/13/2010		
	Mickey McCormick	.		Bilateral	SHOW		7/14/2010- 7/13/2011		
	Mickey McCormick	Sunrise Heartbeat		Foreign Substance	USDA				
	Mickey McCormick	.		Not Specified	USDA		9/1/2002- 4/30/2003		
	Mickey McCormick	.		Scar Rule	NHSC		9/4/2005- 9/17/2005		
	Mickey McCormick	.		Scar Rule	NHSC		9/30/2002- 10/13/2002		
	Mickey McCormick	.		Not Specified	USDA		9/1/2002- 4/30/2003		
	Mickey McCormick	.		Scar Rule	NHSC		7/7/2008- 7/20/2008		
	Mickey McCormick	.		Illegal Chains	NHSC		5/28/2007- 6/10/2007		

	Mickey McCormick	Jose's Midnight Tango		Scar Rule	NHSC		9/18/2008-11/16/2008		
	Mickey McCormick	Moonlighter		Scar Rule	NHSC		10/6/2008-10/20/2008		
	Mickey McCormick	American Idol		Foreign Substance	USDA				
	Mickey McCormick	Santana's Supernatural		Foreign Substance	USDA				23
Callaway Stables / \$16,358 (John Allan, John, Allan, William, Bill Callaway)	John Allan Callaway	.		Scar Rule	NHSC		9/7/2004	9/20/2004	
	John Allan Callaway	.		Scar Rule	NHSC		6/10/2004	6/23/2004	
	John Allan Callaway	.		Not Specified	USDA		5/24/1993	5/23/1994	
	John Allan Callaway	.		Not Specified	USDA		11/10/1988	5/9/1989	
	John Callaway	Out all Night	5/26/2011	Scar Rule	SHOW	29456			
	John Callaway	Reflection in Gin	11/9/2012	Unilateral Sore	SHOW	1109MB2			
	Allan Callaway Stables	Cheatin Danger, The Prime Suspect	8/28/2012, 8/30/2012	Sore	USDA	Federal Complaint, HPA Docket No. 14-0017			
	Allan Callaway	Godfather by Ultra Copy	4/26/2012	Foreign Substance	USDA	7060: FL120272-AC			
	Bill Callaway	An American Threat	8/26/2011	Unilateral Sore	SHOW				
	William Callaway	Absolute Proof	9/4/2009	Sore, Scar Rule	USDA	7060: VA10002-AC			
	William Callaway	Absolute Proof	8/28/2009	Sore, Scar Rule	USDA	7060: VA10002-AC			
	Allan Callaway			Scar Rule	NHSC		9/2/2003	9/15/2003	
	Allan Callaway			Equipment Violation	NHSC		6/2/2002	6/15/2002	
	Allan Callaway	Out All Night	8/30/2010	Foreign Substance	USDA				
	Bill Callaway	Jose's Gunpowder &	11/9/2012	Unilateral Sore	SHOW	1109MB2			
	Bill Callaway	She's Short on Cash	6/21/2013	Scar Rule	SHOW	40152			
	Allan Callaway	Jose's Macho Man	6/21/2013	Scar Rule	SHOW	40155			
	Allan Callaway	Power Strokes	7/6/2013	Scar Rule	SHOW				18
Howard Hamilton / \$16,218 (Patrick Thomas)	Howard Hamilton & Patrick W. Thomas	Don't Tread on Me, A Magic Stroke	6/22/2012, 7/21/2012	Sore	USDA	Federal Complaint, HPA Docket No. 13-0365			
	Howard Hamilton	Lined Up at the Ritz	8/30/2010	Foreign Substance	USDA	7060: TN11128-AC			
	Howard Hamilton	.		Unilateral Sore	NHSC		5/25/2003	7/23/2003	
	Howard Hamilton	.		Unilateral Sore	NHSC		6/8/2002	6/21/2002	
	Howard Hamilton	.		Bilateral Sore	NHSC		4/22/2002	12/21/2002	
	Howard Hamilton	.		Scar Rule	NHSC		9/4/2005	9/17/2005	
	Howard Hamilton	.		Scar Rule	NHSC		4/3/2006	4/16/2006	
	Howard Hamilton	High Fashion Statement	10/7/2010	Other, Define In Next Field	PRIDE	0018	2/20/2011	3/5/2011	

	Patrick Thomas	Lined up at the Ritz	8/30/2010	Foreign Substance	USDA	7060: TN11128-AC			
	Patrick Thomas	High Fashion Statement	10/7/2010	Unilateral Sore	PRIDE	0018	2/20/2011	3/5/2011	
	Patrick Thomas	.		Unilateral Sore	SHOW		7/27/2012	8/9/2012	
	Patrick Thomas	Girl's Rule	8/29/2010	Shoeing, Pads, Action Devices	SHOW	29181			
	Patrick Thomas	Lined up at the Ritz	8/30/2010	Other	SHOW	29216			
	Patrick Thomas	2 X The Magic	9/4/2010	Unilateral Sore	SHOW	29313			
	Patrick Thomas	Don't Tread on Me	11/11/2011	Unilateral Sore	SHOW	29796			
	Patrick Thomas	High Cotton Jazz	6/30/2012	Unilateral Sore	SHOW	630MB1			
	Patrick Thomas	Favorite Son of JFK	7/21/2012	Unilateral Sore	SHOW	0721MB1			
	Patrick Thomas	Don't Tread on Me	7/26/2012f	Unilateral Sore	SHOW	0726BC2			
	Patrick Thomas	Motown's Snowed	3/15/2013	Scar Rule	SHOW	29086			
	Patrick Thomas	A Majic Stroke	5/25/2013	Scar Rule	SHOW	SFS010			
	Patrick Thomas	Rise to Fame	7/5/2013	Shoeing, Pads, Action Devices	SHOW	MTKD01			
	Patrick Thomas	Armed Red Beron W.	11/2/2013	Other	SHOW	Unacc C46 E397			22
Jimmy McConnell / \$15,885	Jimmy McConnell	.		Unilateral Sore	SHOW		5/9/2011	5/22/2011	
	Jimmy McConnell	.		Unilateral Sore	SHOW		9/5/2011	9/18/2011	
	Jimmy McConnell	.		Unilateral Sore	NHSC		11/26/2001	12/9/2001	
	Jimmy McConnell	Cash s Dreamboat		Not Specified	NHSC		6/23/1999	7/6/1999	
	Jimmy McConnell	.		Unilateral Sore	SHOW		12/13/2011	12/26/2011	
	Jimmy McConnell	.		Unilateral Sore	SHOW		11/22/2011	12/5/2011	
	Jimmy McConnell	.		Bilateral Sore	SHOW		9/1/2013	2/28/2014	
	Jimmy McConnell	.		Scar Rule	NHSC		9/6/2005	9/19/2005	
	Jimmy McConnell	.		Scar Rule	NHSC		3/3/2004	3/16/2004	
	Jimmy McConnell	.		Scar Rule	NHSC		11/29/2004	12/12/2004	
	Jimmy McConnell	.		Not Specified	USDA		1/1/1994	4/30/1995	
	Jimmy McConnell	She's Armed And	5/28/2010	Scar Rule	SHOW	28743			
	Jimmy McConnell	Beverly Hills Ritz	6/18/2010	Unilateral Sore	SHOW	28864			
	Jimmy McConnell	Petal Pushin Jazz	8/25/2010	Unilateral Sore	SHOW	29107			
	Jimmy McConnell	One Fine Line	8/28/2010	Scar Rule	SHOW	29175			
	Jimmy McConnell	Mega Cash For	8/31/2010	Scar Rule	SHOW	29226			
	Jimmy McConnell	A Final Command	3/17/2011	Unilateral Sore	SHOW	29337			
	Jimmy McConnell	Bee Bee King	3/19/2011	Unilateral Sore	SHOW	29363			
	Jimmy McConnell	Sun Dust With	5/7/2011	Unilateral Sore	SHOW	29432			
	Jimmy McConnell	Jose's Cool Breeze	8/26/2011	Unilateral Sore	SHOW	29619			
	Jimmy McConnell	Low on Gin	8/26/2011	Unilateral Sore	SHOW	29614			
	Jimmy McConnell	River Master	8/29/2011	Scar Rule	SHOW	29700			
	Jimmy McConnell	Tennessee Backfield	8/29/2011	Unilateral Sore	SHOW	29550			
	Jimmy McConnell	Bee Bee King	11/10/2011	Unilateral Sore	SHOW	29789			
	Jimmy McConnell	BeeBee King	11/8/2012	Unilateral Sore	SHOW	1108JPR1			

	Jimmy McConnell	I'm Handsome	3/28/2013	Unilateral Sore	SHOW	29098			
	Jimmy McConnell	Ted's Snapshot	3/28/2013	Unilateral Sore	SHOW	29096			
	Jimmy McConnell	She's Armed And Dangerous	3/19/2010	Foreign Substance	USDA	7060: TN11011-AC			
	Jimmy McConnell	Sky Miles	3/20/2010	Foreign Substance	USDA	7060: TN11121-AC			
	Jimmy McConnell	Pro V 1	8/30/2010	Foreign Substance	USDA	7060: TN12001-AC			
	Jimmy McConnell	Beebee King	8/27/2012	Foreign Substance	USDA	7060: TN130241-AC			
	Jimmy McConnell	Dark & Shady	8/27/2011	Sore	USDA	Federal Complaint: HPA Docket No. 13-0373			
	Jimmy McConnell	Up for Parole	8/27/2011	Sore	USDA	Federal Complaint: HPA Docket No. 13-0367			
	Jimmy McConnell	I'm Handsome	3/28/2013	Unilateral Sore	SHOW	29098			
	Jimmy McConnell	Ted's Snapshot	3/28/2013	Unilateral Sore	SHOW	29096			
	Jimmy McConnell	Cash's Good Wife	7/6/2013	Bilateral Sore	SHOW	WLCKD01	9/1/2013	2/28/2014	36
Joe Fleming / \$14,213	Joe Fleming	Prime Poison	7/5/2012	Foreign Substance	USDA	7060: TN130316-AC			
	Joe Fleming	A Cloudy Sky	6/2/2012	Scar Rule	SHOW	CSJ009			
	Joe Fleming	Delight's Moonlight	4/1/1977	Sore		Referred to in 713 F.2d 179	1 year disqualification		
	Joe Fleming	Honors	8/26/2010	Scurffng	SHOW	29124			4
Winky Groover / \$14,152	Winky Groover	Command & Control	8/5/2010	Other	SHOW	28616			
	Winky Groover	Sweet Swing	8/27/2011	Scar Rule	SHOW	29629			
	Winky Groover	DJ Jazzy Jeff	8/4/2012	Unilateral Sore	SHOW	0804JPR4			
	Winky Groover	He's 3 Under Par	3/15/2013	Scar Rule	SHOW	29085			
	Winky Groover	She's Intimidating	5/23/2013	Other	SHOW	Unacc C8 E47			
	Winky Groover	War Commander	5/25/2013	Other	SHOW	Unacc C39 E339			
	Winky Groover	Drop Ted Gorgeous	6/22/2013	Unilateral Sore	SHOW	40083			
	Winky Groover	JazzMine Lady	8/31/2012	Sore	USDA	7060: TN130096-AC			
	Winky Groover	Ritz's Doctor	7/26/2012	Foreign Substance	USDA	7060: TN130147-AC			
	Winky Groover	Sweet Swing	8/27/2011	Foreign Substance	USDA	7060: TN 130394-AC			
	Winky Groover	Jazz After Hours	41047	Foreign Substance	USDA	7060: TN130102-AC			
	Winky Groover	.		Unilateral Sore	NHSC		1/7/2009	2/5/2009	
	Winky Groover	.		Unilateral Sore	NHSC			6/8/2002	
	Winky Groover	.		Scar Rule	NHSC		7/8/2002	7/21/2002	
	Winky Groover	.		Bilateral Sore	NHSC		10/9/2000	6/8/2001	
	Winky Groover	My Private Label		Scar Rule	SHOW		5/25/2009	6/7/2009	
	Winky Groover	Command & Control		Other, Define In Next Field	SHOW	ticket # 28616	8/5/2010	8/5/2010	
	Winky Groover	Sweet Swing		Scar Rule	SHOW	ticket 29629	8/24/2011	9/3/2011	

	Winky Groover	.		Unilateral Sore, Foreign Substance	NHSC		4/22/2002	5/5/2002	
	Winky Groover	.		Equipment Violation	NHSC		10/4/2004	10/17/2004	
	Winky Groover	.		Unilateral Sore	NHSC		3/10/2004	3/23/2004	
	Winky Groover	.		Unilateral Sore	NHSC		9/4/2005	9/17/2005	
	Winky Groover	.		Foreign Substance	NHSC		6/12/2005	6/25/2005	
	Winky Groover	.		Scar Rule	NHSC		12/16/2002	2/15/2003	
	Winky Groover	.		Scar Rule	NHSC		8/1/2002	9/30/2002	
	Winky Groover	10 Karat Dumas		Scar Rule	KWHA		10/26/2003	11/8/2003	
	Winky Groover	Off Duty	8/30/2012	Foreign Substance	USDA	7060: TN130282-AC			
	Winky Groover	Reservation On Line	5/10/2014	Unilateral Sore	SHOW	28892			28
Baucom Stables / \$12,932 (Chad Baucom, Eddie and Jeanette Baucom)	Chad Baucom			Scar Rule	NHSC		9/18/2005	10/1/2005	
	Brice Edwin "Eddie" Baucom	I'm Rocky Balboa, Charged at the Ritz, Royal Luck, I'm Wall Street, Jammin' the Blues, I'm The Gambler, The Games We Play, Beretta Mama	6/20/2009, 7/10/2009, 5/21/2009, 8/27/2009, 10/9/2010, 10/22/2010, 10/22/2010, 10/8/2010	Sore	USDA	Consent Decision & Order Docket No.'s 12-0624, 12-0638, 12-0643, 13-0019, 13-0028, 13-0030, 13-0035	1/1/2013	1/1/2018	
	Jeanette Baucom	Royal Luck, Pay it Forward, JFK's Good Omen, Charged at the Ritz, Royal Luck, The Games We Play, The Games We Play, Beretta Mama, Jammin' the Blues	7/13/2007, 7/14/2007, 6/6/2009, 7/10, 2009, 5/21/2009, 6/6/2009, 10/22/2009, 10/8/2010, 5/29/2010	Sore	USDA	Consent Decision & Order Docket No.'s 11-0311, 12-0619, 12-0624, 12-0638, 12-0641, 13-0030, 13-0035, 13-0052	9/31/2012	9/31/2017	
	Jeanette Baucom	JFK's Good Omen	6/6/2009	Sore	USDA	Federal Complaint: HPA Docket No. 12-0619			
	Chad Baucom	Walk Time Charlie	8/28/2011	Foreign Substance	USDA	7060: TN130426-AC			
	Jeanette Baucom	Fear or No Fear	5/28/2010	Shoeing, Pads, Action Devices	SHOW	28771			
	Jeanette Baucom	My American Honey	8/26/2010	Unilateral Sore	SHOW	29127			

	Jeanette Baucom	My Poker Face	8/26/2010	Scar Rule	SHOW	29122			
	Jeanette Baucom	I'm the Gambler	8/30/2010	Unilateral Sore	SHOW	29220			
	Jeanette Baucom	The Games We Play	9/4/2010	Scar Rule	SHOW	29315			
	Eddie Baucom	I'm a Evil Rebel	10/7/2010	Unilateral Sore	PRIDE	0020			
	Eddie Baucom	The Games We Play	10/8/2010	Unilateral Sore	PRIDE	0173			
	Eddie Baucom	I'm the Gambler	10/22/2010	Scar Rule	KY-HIO	3060			
	Eddie Baucom	I'm Wall St.	10/23/2010	Scar Rule	KY-HIO	3095			
	Eddie Baucom	Justin Credible	10/23/2010	Unilateral Sore	KY-HIO	3121			
	Eddie Baucom	Jose's Delightful	4/30/2011	Unilateral Sore	PRIDE	0116			
	Eddie Baucom	Fear or No Fear	8/28/2011	Unilateral Sore	SHOW	29681			
	Eddie Baucom	She's Push In	8/29/2011	Scar Rule	SHOW	29702			
	Eddie Baucom	The Games We Play	8/31/2011	Scar Rule	SHOW	29741			
	Jeanette Baucom	Generator's Santana	4/12/2012	Scar Rule	SHOW	27988			
	Jeanette Baucom	The Games We Play	4/14/2012	Scar Rule	SHOW	28180			
	Jeanette Baucom	Jackpot Bingo	7/6/2012	Scar Rule	SHOW	706MB1			
	Chad Baucom	Lookouts Pushover	10/26/2013	Other	SHOW	SCWHATH4			
	Chad Baucom	Santana's Bama Bay	11/2/2013	Scar Rule	SHOW	29574			
	Chad Baucom	Me's Talk of the	5/23/2014	Unilateral Sore	SHOW	40323			25
									199

EXHIBIT 7

**Known HPA Citations: Horses Entered into the World Grand Championship Stake Class at the 2014
Celebration**

<u>Horse Name</u>	<u>Current Owner</u>	<u>Responsible Parties</u>	<u>Citation Date</u>	<u>Citation Type</u>	<u>Ticket Number</u>	<u>HIO</u>	<u>Total Known Citations</u>
I'm Copperfield	Rick Compton						0
Jose It Ain't So	Deborah Williams	Deborah Williams, Jonathan Watts	8/30/2012	Foreign Substance	7060: TN130199-AC	USDA	1
Mr. Heisman	Randall Baskin	Randall Baskin, Sadie Baskin, Brandye Craig Mills Randall Baskin, Sadie Baskin	8/27/2010 8/29/2011	Scar Rule Foreign Substance	7060: TN11088-AC 7060: TN130367-AC	USDA USDA	2
Swing Batter Batter Swing	Glendon Stivers	Glendon Stivers (Owner), Danny Hughes (Trainer/Exhibitor) Glendon Stivers	6/1/2013 8/25/2012	Unilateral Sore Sore	29487 SHOW 7060: TN130030-AC	USDA	2
A Strong Need For Cash	Jim/Jeannie Roberts	James Roberts (Owner), Michael Wright (Trainer/Exhibitor) Jeannie Roberts, Jim Roberts, Michael Wright	3/19/2011 8/27/2012	Scar Rule Foreign Substances	29371 SHOW 7060: TN130343-AC	USDA	2
Star	Jack Kwok	Brad Davis, Wilsene Moody- Kwok	8/27/2011	Foreign Substance	7060: TN130421-AC		1
Folsom Prison Blues	Jimmy Smith (Family)	Jimmy Smith (Owner), Rodney Dick (Trainer/Exhibitor) Steve Dunn (Trainer), Jimmy Smith (Owner/Exhibitor) Rodney Dick, Jimmy Smith	9/3/2010 3/14/2013 8/27/2011	Unilateral Sore Unilateral Sore Foreign Substance	29293 SHOW 29078 SHOW 7060: TN130403-AC	USDA	3
Honors	Keith/Dan McSwain	Keith McSwain (Owner), Joe Fleming (Trainer), Kelly Weaver (Owner/Exhibitor)	8/26/2010	Scar Rule	29124 SHOW		1
He's Vida Blue	Gayle Holcomb						0
MP2	Rising Star Ranch (Frank and Debbie Eichler)	Luis Cervantes (Trainer), Debbie Eichler (Exhibitor), Rising Star Ranch (Owner) Debra L. Eichler	3/17/2011 8/23/2012	Shoeing, Pads, Action Devices Scar Rule	29345 SHOW 7060: AL11009-AC	USDA	2
Lucky Grand Slam	Judy & Ron Jones	Judy Jones (Owner), Ron Jones (Owner), Charlie Witherspoon (Trainer/Exhibitor) Judy Jones (Owner), Ron Jones (Owner), Charlie Witherspoon (Trainer/Exhibitor)	8/24/2013 3/29/2014	Scar Rule Scar Rule	40204 SHOW 40319 SHOW		2

Lampshade	Bill Cantrell	Bill Cantrell, Gloria Warr, Rhonda Major	8/31/2012 Sore	7060: TN130028-AC USDA	1
Magic's Pure Ritz	Dean Scott	Michelle Mercier (Trainer/Exhibitor), Dean Scott (Owner)	7/2/2010 Bilateral Sore, Foreign Substance	28178 SHOW	
		Michelle Mercier (Trainer/Exhibitor), Dean Scott (Owner)	8/29/2010 Unilateral Sore	29198 SHOW	
		Michele Roberts (Trainer/Exhibitor), Dean Scott (Owner)	8/27/2011 Unilateral Sore	29680 SHOW	
		Hal Newman (Trainer/Exhibitor), Dean Scott (Owner)	7/27/2012 Foreign Substance, Unilateral Sore	0727WE2 SHOW	
		Don Bills (Trainer/Exhibitor), Dean Scott (Owner)	9/14/2013 Other	005 HAWHA	
		Dean Scott, Michele Roberts, William Harold Newman III	8/27/2011 Foreign Substance	7060: TN130309-AC USDA	6
Gen's Black Maverick	Maple Crest Farms - Lorraine Rosbury	Joe Cotten (Trainer/Exhibitor), Lorraine Rosbury (Owner)	3/31/2012 Unilateral Sore	MB3-98759 SHOW	
		Lorraine Rosbury (Owner), Brock Tilliam (sic) (Trainer/Exhibitor)	8/3/2013 Foreign Substance	40163 SHOW	2
He's Unleashed	Herb Murrath	Larry Edwards, Paige Edwards, and Carl Edwards & Sons, Inc.	8/24/2012 Sore	1-0002, 14-0003, 14-0004 USDA	
		Herbert Murrath	8/24/2012 Scar Rule	7060: AL11008-AC USDA	2
He's Slim Shady	Bill/Karen Bean				0
Total:					27 Known citations

EXHIBIT 8

Known Citations for HPA Violations Issued to the Top 25 Trainers in the 2014 Rider's Cup									
Name	Horse Ticketed	Citation Date	Violation Type	HIO	Ticket #	Suspension Start	Suspension End	Fine	Total
Charlie Green	Jose's Flamingo Dancer	3/19/2010	Sore - 1 Foot (Unilateral)	SHOW	28594				
Charlie Green	On Maximum Security	4/16/2010	Non HPA violation	SHOW	Unacceptable				
Charlie Green	We're Ebony & Ivory	4/21/2010	Scar Rule	SHOW	28762				
Charlie Green	I'm Stan The Man	4/21/2010	Sore - 1 Foot (Unilateral)	SHOW	28760				
Charlie Green	C' Me Push	4/22/2010	Non HPA violation	SHOW	28764				
Charlie Green	FBI of Tennessee	7/4/2010	Sore - 1 Foot (Unilateral)	SHOW	28675				
Charlie Green	Jose's Emblem	8/6/2010	Sore - 1 Foot (Unilateral)	SHOW	29016				
Charlie Green	Boure'	8/26/2010	Sore - 1 Foot (Unilateral)	SHOW	29135				
Charlie Green	C'Me Push	8/26/2010	Sore - 1 Foot (Unilateral)	SHOW	29132				
Charlie Green	Ozone's Full Throttle	8/30/2010	Non HPA violation	SHOW	Unacceptable				
Charlie Green	Jose's Whole Shabang	9/1/2010	Sore - 1 Foot (Unilateral)	SHOW	29245				
Charlie Green	King of the Jungle	9/2/2010	Scar Rule	SHOW	29272				
Charlie Green	Ozone's Full Throttle	10/8/2010	Other (Please specify)	PRIDE	U025				
Charlie Green	Ms Jose Walks	10/22/2010	Non HPA violation	SHOW	Unacceptable				
Charlie Green	Jazz Mans Babalu	10/23/2010	Sore - 1 Foot (Unilateral)	SHOW	29035				
Charlie Green	The Dangerous Commander	11/12/2010	Sore - 1 Foot (Unilateral)	SHOW	29335				
Charlie Green	I'm Stan The Man	3/18/2011	Sore - 1 Foot (Unilateral)	SHOW	29359				
Charlie Green	Jazz Man's Babalu	3/19/2011	Scar Rule	SHOW	29376				
Charlie Green	The Dangerous Commander	4/2/2011	Scar Rule	SHOW	29039				
Charlie Green	C Me Push	6/17/2011	Scar Rule	PRIDE	0339				
Charlie Green	Ms Jose Walks	6/17/2011	Scar Rule	PRIDE	0338				
Charlie Green	Commands Simply Special	10/28/2011	Sore - 1 Foot (Unilateral)	SHOW	29782				
Charlie Green	Chrome Dollar	11/10/2011	Sore - 1 Foot (Unilateral)	SHOW	29791				
Charlie Green	Admission Is A Dollar	3/30/2012	Sore - 1 Foot (Unilateral)	SHOW	29555				
Charlie Green	Bum At the Ritz	4/12/2012	Scar Rule, Unilateral Sore	SHOW	27991				
Charlie Green	THOSE FANCY LEGS	6/16/2012	Shoeing, Pads, Action Devices	PRIDE	1215				
Charlie Green	Jose's Dr. Pepper	8/23/2012	Scar Rule	SHOW	0823MB1				
Charlie Green	Famous Fame	8/26/2012	Scar Rule	SHOW	0826MB2				
Charlie Green	The Snow Pusher		Not Specified	NHSC					
Charlie Green	The Snow Pusher		Not Specified	NHSC		10/19/2001	1/16/2002		
Charlie Green	The Snow Pusher		Not Specified	NHSC		8/20/2001	10/18/2001		
Charlie Green	.		Unilateral Sore	NHSC		1/17/2002	3/17/2002		
Charlie Green	.		Bilateral Sore	NHSC		6/19/2007	7/2/2007		
Charlie Green	.		Open Lesion, one ft	SHOW		7/21/2002	3/20/2003		
Charlie Green	King of the Jungle & Jose's Flamingo Dance	8/31/2010	Foreign Substance	USDA		10/1/2009	10/12/2009	\$50	

Charlie Green	C Me Push	5/27/2011	Foreign Substance	USDA	7060: TN120031-AC				
Charlie Green	King of the Jungle	8/23/2008	Foreign Substance	USDA					
Charlie Green	.		Not Specified	USDA					
Charlie Green	.		Unilateral Sore	NHSC		9/18/2002	5/17/2003		
Charlie Green	.		Scar Rule	NHSC		11/22/2004	12/5/2004		
Charlie Green	.		Scar Rule, Foreign Substance	NHSC		6/2/2005	6/15/2005		
Charlie Green	.		Bilateral Sore, Foreign Substance	NHSC		4/11/2005	4/24/2005		
Charlie Green	I'm Spiderman		Scar Rule	KWHA		4/22/2002	12/21/2002		
Charlie Green	.		Not Specified	USDA		10/31/2005	11/13/2005		
Charlie Green	.		Unilateral Sore	NHSC		9/18/2002	5/17/2003		
Charlie Green	.		Unilateral Sore			9/18/2006	10/1/2006		
Charlie Green	Righteous Jazz	5/24/2012	Foreign Substance	USDA	7060: TN130263-AC				
Charlie Green	Jose's Flamingo Dancer	5/25/2012	Foreign Substance	USDA	7060: TN130275-AC				
Charlie Green	The American Choice	8/23/2012	Foreign Substance	USDA	7060: TN130263-AC				
Charlie Green	Kid Callahan	8/23/2012	Foreign Substance	USDA	7060: TN130263-AC				
Charlie Green	Gossip	8/24/2012	Foreign Substance	USDA	7060: TN130263-AC				
Charlie Green	A Fire In Dixie	8/27/2012	Foreign Substance	USDA	7060: TN130263-AC				
Charlie Green	Admission Is A Dollar	4/27/2012	Foreign Substance	USDA	7060: FL130025-AC				
Charlie Green	The Dangerous Commander	3/18/2010	Foreign Substance	USDA	7060: TN11008-AC				
Charlie Green	FBI in TN	8/26/2011	Foreign Substance	USDA	7060: TN130416-AC				
Charlie Green	Boure	8/28/2011	Foreign Substance	USDA	7060: TN130417-AC				
Charlie Green	Sir Skywatch	8/25/2011	Foreign Substance	USDA	7060: TN130418-AC				
Charlie Green	Lined with Poison	7/26/2013	Scar Rule	SHOW	40125				
Charlie Green	Makin Easy Money	8/10/2013	Unilateral Sore	SHOW	RLMJPR2				
Charlie Green	King of Kool	8/22/2013	Unilateral Sore	SHOW	40134	9/29/2013	11/27/2013		
Charlie Green	Jazz Man's Babalu	3/28/2014	Shoeing, Pads, Action Devices	SHOW	40315				61
Winky Groover	Command & Control	8/5/2010	Other	SHOW	28616				
Winky Groover	Sweet Swing	8/27/2011	Scar Rule	SHOW	29629				
Winky Groover	DJ Jazzy Jeff	8/4/2012	Unilateral Sore	SHOW	0804JPR4				
Winky Groover	He's 3 Under Par	3/15/2013	Scar Rule	SHOW	29085				
Winky Groover	She's Intimidating	5/23/2013	Other	SHOW	Unacc C8 E47				
Winky Groover	War Commander	5/25/2013	Other	SHOW	Unacc C39 E339				
Winky Groover	Drop Ted Gorgeous	6/22/2013	Unilateral Sore	SHOW	40083				
Winky Groover	JazzMine Lady	8/31/2012	Sore	USDA	7060: TN130096-AC				
Winky Groover	Ritz's Doctor	7/26/2012	Foreign Substance	USDA	7060: TN130147-AC				
Winky Groover	Sweet Swing	8/27/2011	Foreign Substance	USDA	7060: TN 130394-AC				
Winky Groover	Jazz After Hours	41047	Foreign Substance	USDA	7060: TN130102-AC				
Winky Groover	.		Unilateral Sore	NHSC		1/7/2009	2/5/2009		
Winky Groover	.		Unilateral Sore	NHSC			6/8/2002		
Winky Groover	.		Scar Rule	NHSC		7/8/2002	7/21/2002		
Winky Groover	.		Bilateral Sore	NHSC		10/9/2000	6/8/2001		
Winky Groover	My Private Label		Scar Rule	SHOW		5/25/2009	6/7/2009		

Winky Groover	Command & Control		Other, Define In Next Field	SHOW	ticket # 28616	8/5/2010	8/5/2010		
Winky Groover	Sweet Swing		Scar Rule	SHOW	ticket 29629	8/24/2011	9/3/2011		
Winky Groover	.		Unilateral Sore, Foreign Substance	NHSC		4/22/2002	5/5/2002		
Winky Groover	.		Equipment Violation	NHSC		10/4/2004	10/17/2004		
Winky Groover	.		Unilateral Sore	NHSC		3/10/2004	3/23/2004		
Winky Groover	.		Unilateral Sore	NHSC		9/4/2005	9/17/2005		
Winky Groover	.		Foreign Substance	NHSC		6/12/2005	6/25/2005		
Winky Groover	.		Scar Rule	NHSC		12/16/2002	2/15/2003		
Winky Groover	.		Scar Rule	NHSC		8/1/2002	9/30/2002		
Winky Groover	10 Karat Dumas		Scar Rule	KWHA		10/26/2003	11/8/2003		
Winky Groover	Off Duty	8/30/2012	Foreign Substance	USDA	7060: TN130282-AC				
Winky Groover	Reservation On Line	5/10/2014	Unilateral Sore	SHOW	28892				28
Herbert Derickson	Le Petron	5/12/2012	Foreign Substance	USDA	7060: TN130268-AC				
Herbert Derickson	Strokin At Sunrise	8/27/2011	Foreign Substance	USDA	7060: TN130405-AC				
Herbert Derickson	A Magic Stroke	8/27/2011	Foreign Substance	USDA	7060: TN130406-AC				
Herbert Derickson	Just Bet the Line	9/1/2012	Foreign Substance	USDA	7060: TN130266-AC				
Herbert Derickson	.		Scar Rule	NHSC		4/4/2005	4/17/2005		
Herbert Derickson	.		Bilateral Sore, Scar Rule	NHSC		12/16/2002	12/15/2004		
Herbert Derickson	.		Bilateral Sore, Scar Rule	NHSC		4/22/2002	4/21/2004		
Herbert Derickson	.		Illegal Chains	NHSC		6/8/2002	6/21/2002		
Herbert Derickson	.		Unilateral Sore	NHSC		3/27/2006	4/9/2006		
Herbert Derickson	.		Scar Rule	NHSC		8/6/2006	8/19/2006		
Herbert Derickson	.		Scar Rule	NHSC		9/7/2006	9/20/2006		
Herbert Derickson	.		Scar Rule	NHSC		10/2/2006	10/15/2006		
Herbert Derickson	.		Scar Rule	NHSC		7/24/2008	8/6/2008		
Herbert Derickson	.		Not Specified	USDA		4/15/2009	4/14/2011		
Herbert Derickson	The Starting Lineup		Foreign Substance			8/25/2008			
Herbert Derickson	.		NHSC Point Exam (7 points)	NHSC		10/2/2000	6/1/2001		
Herbert Derickson	.		Unilateral Sore	NHSC		10/1/2001	10/14/2001		
Herbert Derickson	.		Bilateral Sore	NHSC			6/1/2002		
Herbert Derickson	Arms Up	5/28/2011	Shoeing, Pads, Action Devices	SHOW	29474				
Herbert Derickson	Man of Stone	5/28/2011	Unilateral Sore	SHOW	29476				
Herbert Derickson	Disturbia	8/26/2011	Unilateral Sore	SHOW	29606				
Herbert Derickson	Man of Stone	8/26/2011	Scar Rule	SHOW	29621				
Herbert Derickson	Powerstrokes's	8/27/2011	Scar Rule	SHOW	29637				
Herbert Derickson	Gin Toddy	9/3/2011	Unilateral Sore	SHOW	29769				
Herbert Derickson	Master's Razzle and	5/26/2012	Unilateral Sore	SHOW	FS014				25
Justin Harris	Parole's Jail House	5/18/2012	Foreign Substance	USDA	7060: TN130104-AC				
Justin Harris	True Platinum	5/27/2011	Foreign Substance	USDA	7060: TN120042-AC				
Justin Harris	To Bold to Hold	5/24/2012	Foreign Substance	USDA	7060: TN130244-AC				
Justin Harris	Jose's High Society, Mr. Onyx, I'm Innocent	7/27/2012, 8/3/2012, 8/26/2012	Sore	USDA	Federal Complaint, HPA Docket No. 13-0347				
Justin Harris	King of Voltage	8/26/2011	Foreign Substance	USDA	7060: TN130402-AC				
Justin Harris	Puttin Cash on the Line	8/27/2011	Foreign Substance	USDA	7060: TN130404-AC				
Justin Harris	Jose's Knight	8/28/2011	Foreign Substance	USDA	7060: TN130408-AC				
Justin Harris	Silver Dollar Dutchess		Suspension Violation	NHSC		1/22/2004	3/21/2004		

Justin Harris	.		Unilateral Sore, Scar Rule	NHSC		11/14/2002	11/27/2002		
Justin Harris	.		Scar Rule	NHSC		9/10/2007	9/23/2007		
Justin Harris	.		Scar Rule	NHSC		6/1/2008	6/14/2008		
Justin Harris	.		Bilateral Sore	NHSC			10/4/2001		
Justin Harris	.		Unilateral Sore	SHOW		5/17/2009	6/15/2009		
Justin Harris	.		Post-Show Violation, Low Chain	USDA		9/4/2012	9/17/2012		
Justin Harris	Jose's Knight	4/16/2010	Bilateral Sore	SHOW	28640	5/10/2010	5/9/2011		
Justin Harris	True Platinum	5/27/2011	Shoeing, Pads, Action Devices	SHOW	29462				
Justin Harris	I'm Innocent	5/28/2011	Unilateral Sore	SHOW	29472				
Justin Harris	King of Voltage	8/26/2011	Scar Rule	SHOW	29624				
Justin Harris	Jose's Knight	8/28/2011	Scar Rule	SHOW	29690				
Justin Harris	Double Bogey Blues	11/12/2011	Foreign Substance	SHOW	29793				
Justin Harris	Lady La La	4/28/2012	Scar Rule	SHOW	98747				
Justin Harris	Jose's Caliente	4/28/2012	Shoeing, Pads, Action Devices	SHOW	98745	4/30/2012	4/26/2012		
Justin Harris	A Special Order	7/19/2012	Unilateral Sore	SHOW	29802				
Justin Harris	Jose's High Society	7/27/2012	Scar Rule	SHOW	0727KD1				
Justin Harris	Mr. Onyx	8/24/2012	Shoeing, Pads, Action Devices	SHOW	0824JPR1	9/4/2012	9/17/2012		
Justin Harris	Busted at Pebble	11/9/2012	Unilateral Sore	SHOW	1109KD2				
Justin Harris	The North Face	3/29/2013	Shoeing, Pads, Action Devices	SHOW	032913JS2	4/7/2013	4/20/2013		27
Jimmy McConnell	.		Unilateral Sore	SHOW		5/9/2011	5/22/2011	100	
Jimmy McConnell	.		Unilateral Sore	SHOW		9/5/2011	9/18/2011	100	
Jimmy McConnell	.		Unilateral Sore	NHSC		11/26/2001	12/9/2001		
Jimmy McConnell	Cash s Dreamboat		Not Specified	NHSC		6/23/1999	7/6/1999		
Jimmy McConnell	.		Unilateral Sore	SHOW		12/13/2011	12/26/2011	100	
Jimmy McConnell	.		Unilateral Sore	SHOW		11/22/2011	12/5/2011	100	
Jimmy McConnell	.		Bilateral Sore	SHOW		9/1/2013	2/28/2014	1000	
Jimmy McConnell	.		Scar Rule	NHSC		9/6/2005	9/19/2005		
Jimmy McConnell	.		Scar Rule	NHSC		3/3/2004	3/16/2004		
Jimmy McConnell	.		Scar Rule	NHSC		11/29/2004	12/12/2004		
Jimmy McConnell	.		Not Specified	USDA		1/1/1994	4/30/1995		
Jimmy McConnell	She's Armed And	5/28/2010	Scar Rule	SHOW	28743				
Jimmy McConnell	Beverly Hills Ritz	6/18/2010	Unilateral Sore	SHOW	28864				
Jimmy McConnell	Petal Pushin Jazz	8/25/2010	Unilateral Sore	SHOW	29107				
Jimmy McConnell	One Fine Line	8/28/2010	Scar Rule	SHOW	29175				
Jimmy McConnell	Mega Cash For A Final Command	8/31/2010	Scar Rule	SHOW	29226				
Jimmy McConnell	Bee Bee King	3/17/2011	Unilateral Sore	SHOW	29337				
Jimmy McConnell	Bee Bee King	3/19/2011	Unilateral Sore	SHOW	29363				
Jimmy McConnell	Sun Dust With	5/7/2011	Unilateral Sore	SHOW	29432				
Jimmy McConnell	Jose's Cool Breeze	8/26/2011	Unilateral Sore	SHOW	29619				
Jimmy McConnell	Low on Gin	8/26/2011	Unilateral Sore	SHOW	29614				
Jimmy McConnell	River Master	8/29/2011	Scar Rule	SHOW	29700				
Jimmy McConnell	Tennessee Backfield	8/29/2011	Unilateral Sore	SHOW	29550				
Jimmy McConnell	Bee Bee King	11/10/2011	Unilateral Sore	SHOW	29789				
Jimmy McConnell	BeeBee King	11/8/2012	Unilateral Sore	SHOW	1108JPR1				
Jimmy McConnell	I'm Handsome	3/28/2013	Unilateral Sore	SHOW	29098				
Jimmy McConnell	Ted's Snapshot	3/28/2013	Unilateral Sore	SHOW	29096				
Jimmy McConnell	She's Armed And Dangerous	3/19/2010	Foreign Substance	USDA	7060: TN11011-AC				
Jimmy McConnell	Sky Miles	3/20/2010	Foreign Substance	USDA	7060: TN11121-AC				
Jimmy McConnell	Pro V l	8/30/2010	Foreign Substance	USDA	7060: TN12001-AC				

Jimmy McConnell	Beebe King	8/27/2012	Foreign Substance	USDA	7060: TN130241-AC				
Jimmy McConnell	Dark & Shady	8/27/2011	Sore	USDA	Federal Complaint: HPA Docket No. 13-0373				
Jimmy McConnell	Up for Parole	8/27/2011	Sore	USDA	Federal Complaint: HPA Docket No. 13-0367				
Jimmy McConnell	I'm Handsome	3/28/2013	Unilateral Sore	SHOW	29098				
Jimmy McConnell	Ted's Snapshot	3/28/2013	Unilateral Sore	SHOW	29096				
Jimmy McConnell	Cash's Good Wife	7/6/2013	Bilateral Sore	SHOW	WLCKD01	9/1/2013	2/28/2014		36
John Allan Callaway	.		Scar Rule	NHSC		9/7/2004	9/20/2004		
John Allan Callaway	.		Scar Rule	NHSC		6/10/2004	6/23/2004		
John Allan Callaway	.		Not Specified	USDA		5/24/1993	5/23/1994		
John Allan Callaway	.		Not Specified	USDA		11/10/1988	5/9/1989		4
Blaise Broccard	Power Up	7/10/2010	Scar Rule	SHOW	28477				
Blaise Broccard	Do It Now	5/11/2013	Unilateral Sore	SHOW	29478				
Blaise Broccard	Small Talk Dan	6/8/2013	Scar Rule	SHOW	40016				
Blaise Broccard	Do It Now	11/15/2013	Scar Rule	SHOW	40019				
Blaise Broccard	Do It Now	5/16/2014	Other	SHOW	Unacc C20 E73				5
Casey Wright	Jose's Bambino	8/24/2012	Foreign Substance	USDA	7060: TN130346-AC				
Casey Wright	Jose's Double Down	8/27/2012	Foreign Substance	USDA	7060: TN130347-AC				
Casey Wright	Jazz Under the Light	7/26/2012	Sore	USDA	7060: TN130075				
Casey Wright	I'm Deuce	8/26/2012	Sore	USDA	7060: TN130075				
Casey Wright	It's Electric	8/30/2009	Foreign Substance	USDA	7060: TN10092-AC				
Casey Wright	Major Frivolous	8/27/2010	Sore, Scar Rule	USDA	7060: TN11038-AC				
Casey Wright			Unilateral Sore	NHSC		9/26/2005	10/9/2005		
Casey Wright			Scar Rule	NHSC		4/28/2007	5/11/2007		
Casey Wright			Scar Rule	NHSC		6/17/2007	6/30/2007		
Casey Wright	It's Electric	6/19/2010	Foreign Substance	SHOW	28866				
Casey Wright	Fashion's Lucky Star	6/19/2010	Foreign Substance	SHOW	28865				
Casey Wright	Famous Fame	7/22/2010	Scar Rule	SHOW	28677				
Casey Wright	Jail Time	8/29/2010	Scar Rule	SHOW	29204				
Casey Wright	All American Made	8/31/2010	Scar Rule	SHOW	29235				
Casey Wright	I'm Deuce	5/28/2011	Unilateral Sore	SHOW	29473				
Casey Wright	The Sky Queen	8/27/2011	Scar Rule	SHOW	29641				
Casey Wright	Intimidating Choice	6/30/2012	Unilateral Sore	SHOW	630JPR1				
Casey Wright	Lady Bertha	7/6/2012	Shoeing, Pads, Action Devices	SHOW	706MD1				
Casey Wright	Jazz Under the Light	7/26/2012	Unilateral Sore	SHOW	0726BC4				
Casey Wright	He's Unbridled	3/14/2014	Scar Rule	SHOW	40216				20

Brock Tillman	Ricky Ricardo	8/25/2012	Foreign Substance	USDA	7060: TN130428-AC				
Brock Tillman	Sapphire Gin	8/26/2012	Foreign Substance	USDA	7060: TN130429-AC				
Brock Tillman	He Has Status	8/27/2012	Foreign Substance	USDA	7060: TN130431-AC				
Brock Tillman	.		Scar Rule	NHSC		9/5/2004	9/18/2004		
Brock Tillman	.		Scar Rule, Foreign Substance	NHSC		9/6/2005	9/19/2005		
Brock Tillman	.		Unilateral Sore	SHOW		8/15/2009	8/15/1999		
Brock Tillman	.		Unilateral Sore	SHOW		9/7/2011	9/20/2011		
Brock Tillman	Armed Watch	6/18/2010	Scar Rule	SHOW	28862				
Brock Tillman	Cotton Watch	7/17/2010	Unilateral Sore	SHOW	28870				
Brock Tillman	CC Ebony Dazzle	7/17/2010	Scar Rule	SHOW	28869				
Brock Tillman	Armed And	9/1/2010	Shoeing, Pads	SHOW	29240				
Brock Tillman	Jose's Illusion	3/17/2011	Unilateral Sore	SHOW	29336				
Brock Tillman	BB King's Jazz	6/3/2011	Shoeing, Pads	SHOW	29439				
Brock Tillman	Nine Yard Blitz	8/27/2011	Scar Rule	SHOW	29638				
Brock Tillman	Sapphire Gin	8/31/2011	Unilateral Sore	SHOW	29730				
Brock Tillman	Kinky Boots	7/7/2012	Unilateral Sore	SHOW	0707JPR1				
Brock Tillman	Ricky Ricardo	5/10/2013	Unilateral Sore	SHOW	BEDFORDJPR2				
Brock Tillman	I'm Stone Cold Cash	7/4/2013	Scar Rule	SHOW	40087				
Brock Tillman	Black Gens Beauty	5/10/2014	Scar Rule	SHOW	28472				19
Scott Beaty	Siege	8/26/2011	Foreign Substance	USDA	7060: TN130305-AC				
Scott Beaty	Ritz Big Dipper	9/1/2012	Foreign Substance	USDA	7060: TN130329-AC				
Scott Beaty	Siege	8/31/2012	Foreign Substance	USDA	7060: TN130252-AC				
Scott Beaty	.		Scar Rule	NHSC		10/2/2006	10/15/2006		
Scott Beaty	Mister Push Button		Foreign Substance	WHTA		8/22/2008			
Scott Beaty	.		Not Specified			9/7/2012	9/21/2012		
Scott Beaty	Siege	8/26/2010	Unilateral Sore	SHOW	29123				
Scott Beaty	George Clooney	9/3/2010	Other	SHOW	29290				
Scott Beaty	Mayday Jazz	8/30/2011	Scar Rule	SHOW	29723				
Scott Beaty	Joe Hand	4/7/2012	Unilateral Sore	KY-HIO	2832				
Scott Beaty	A Dangerous	4/13/2012	Unilateral Sore	SHOW	27993				
Scott Beaty	House Call at the Ritz	5/24/2012	Unilateral Sore	SHOW	FS001				
Scott Beaty	Sports Addition	6/9/2012	Scar Rule	PRIDE	1161				
Scott Beaty	Mayday Jazz	8/23/2012	Scar Rule	SHOW	0823WE4				
Scott Beaty	My My Miss American	5/4/2013	Scar Rule	SHOW	29503				
Scott Beaty	Orient Express	5/4/2013	Scar Rule	SHOW	UCDB02				
Scott Beaty	I'm Country Strong	6/21/2013	Other	SHOW	Unacc C7 E196				
Scott Beaty	The Sky Guy	8/23/2013	Foreign Substance	SHOW	40196				
Scott Beaty	Led Zeppelin	3/13/2014	Foreign Substance	SHOW	40214				
Scott Beaty	Intimidators Boogie	5/3/2014	Scar Rule	SHOW	28471				20
Philip Trimble	Hello Cutie	8/25/2011	Foreign Substance	USDA	7060: TN130396-AC				
Philip Trimble	Rare Coin Ritz	8/28/2011	Foreign Substance	USDA	7060: TN130397-AC				
Philip Trimble	A Beeline	8/31/2012	Foreign Substance	USDA	7060: TN130194-AC				
Philip Trimble	Express's Frosty Girl	8/27/2009	Sore, Scar Rule	USDA	7060: TN10034-AC				
Philip Trimble	A Few Dollars	8/31/2009	Sore, Scar Rule	USDA	7060: TN10034-AC				
Philip Trimble	Laffy Taffy	9/3/2009	Sore, Foreign Substance	USDA	7060: MS10015-AC				
Philip Trimble	Bonjour	8/27/2012	Sore	USDA	7060: TN130041-AC				

Philip Trimble			Unilateral Sore	NHSC		5/6/2006	5/19/2006		
Philip Trimble	Rare Coin Ritz	9/17/2010	Not Specified	PRIDE	U015	9/17/2010	9/17/2010		
Philip Trimble	Horay Jose	8/21/2010	Foreign Substance	SHOW	29031				
Philip Trimble	Prime's Silver Lady	8/26/2010	Foreign Substance	SHOW	29113				
Philip Trimble	Miss Midnight Rider	8/28/2010	Unilateral Sore	SHOW	29173				
Philip Trimble	StraitLine Cash	5/28/2011	Unilateral Sore	SHOW	29469				
Philip Trimble	Maypine's Barack	8/25/2011	Shoeing, Pads, Action Devices	SHOW	29591				
Philip Trimble	Jose's Isabel	8/27/2011	Shoeing, Pads, Action Devices	SHOW	29642				
Philip Trimble	Masterpiece by Jose	11/10/2011	Unilateral Sore	SHOW	29551				
Philip Trimble	Main Sweetie	3/30/2013	Unilateral Sore	SHOW	033013MB1				
Philip Trimble	Main Sweetie	10/12/2013	Unilateral Sore	SHOW	40017	11/10/2013	1/8/2014		18
Jeff Green	Jazz's Master	3/19/2010	Scar Rule	SHOW	28591				
Jeff Green	Straight Line	3/19/2010	Unilateral Sore	SHOW	28599				
Jeff Green	Bold and Wicked	5/7/2010	Unilateral Sore	SHOW	28777				
Jeff Green	Pushing for Parole	8/6/2010	Unilateral Sore	SHOW	29018	8/8/2010	8/21/2010		
Jeff Green	Pearl Gunn	8/28/2010	Unilateral Sore	SHOW	29171				
Jeff Green	Diva of Jazz	8/29/2010	Foreign Substance	SHOW	29190				
Jeff Green	Showboat Showgirl	9/3/2010	Foreign Substance	SHOW	29275				
Jeff Green	American Keepsake	9/3/2010	Unilateral Sore	SHOW	29289				
Jeff Green	Showboat Showgirl	8/27/2011	Scar Rule	SHOW	29670				
Jeff Green	Lady Vol	8/30/2011	Unilateral Sore	SHOW	29715				
Jeff Green	Scorecard	8/31/2011	Unilateral Sore	SHOW	29733				
Jeff Green	Lady Got a Gun	5/18/2012	Foreign Substance	USDA	7060: TN130254-AC				
Jeff Green	Hi-Yo Silver	5/18/2012	Foreign Substance	SHOW	7060: TN130255-AC				
Jeff Green	Lakota Colors	5/26/2012	Unilateral Sore	SHOW	FS012				
Jeff Green	Lady Vol	8/28/2012	Foreign Substance	USDA	7060: TN130314-AC				
Jeff Green	Lady Val [Vol]	8/28/2012	Foreign Substance	SHOW	0828JPR1				
Jeff Green	Paroled at Sundown	11/17/2012	Unilateral Sore	SHOW	1117MB2				
Jeff Green	Oops, I'm Splashed	5/4/2013	Illegal Chains	SHOW	UCKD01	5/6/2013	5/19/2013		
Jeff Green	Sun Fire Phoenix	5/31/2013	Other	SHOW	Unacc C7 E370				
Jeff Green	Lady Vol	6/22/2013	Foreign Substance	SHOW	40085				
Jeff Green	Ritz Tornado	3/15/2014	Foreign Substance	SHOW	40217				
Jeff Green	Speak of the Master	3/28/2014	Scar Rule	SHOW	40314				
Jeff Green	.		Not Specified	NHSC		12/1/1998	8/31/1999		
Jeff Green	General s Show Stopper	8/23/2008	Foreign Substance						
Jeff Green	Airline	8/22/2008	Foreign Substance						
Jeff Green	.		Foreign Substance	NHSC		9/1/2003	9/14/2003		
Jeff Green	.		Unilateral Sore	NHSC		8/4/2002	8/17/2002		
Jeff Green	.		Scar Rule	NHSC		3/26/2007	4/8/2007		
Jeff Green	.		Scar Rule	NHSC		5/7/2007	5/20/2007		29
Bobby Hugh	More Horsepower	7/26/2012	Foreign Substance	USDA	7060: TN130150-AC				
Bobby Hugh	Dollar's Bright Star	8/23/2012	Foreign Substance	USDA	7060: TN130342-AC				
Bobby Hugh	On Good Behavior	8/28/2012	Foreign Substance	USDA	7060: TN130327-AC				
Bobby Hugh	I'm Superbad	8/31/2012	Foreign Substance	USDA	7060: TN130328-AC				

Bobby Hugh	More Horsepower	7/6/2012	Foreign Substance	USDA	7060: TN130278-AC				
Bobby Hugh	.		Bilateral Sore	NHSC		11/29/2001	7/28/2002		
Bobby Hugh	.		Bilateral Sore	NHSC		8/15/2007	4/14/2008		
Bobby Hugh	.		Not Specified	NHSC		5/17/1999	7/11/1999		
Bobby Hugh	.		Other, Define In Next Field	NHSC		7/12/1999	7/25/1999		
Bobby Hugh	.		Other, Define In Next Field	NHSC		7/25/1999	8/7/1999		
Bobby Hugh	.		Not Specified	NHSC		8/8/1999	10/7/1999		
Bobby Hugh	.		Bilateral Sore	NHSC			11/26/2001		
Bobby Hugh	.		Bilateral Sore	NHSC			9/30/2001		
Bobby Hugh	.		Unilateral Sore	SHOW				100	
Bobby Hugh	My Blackeyed Susan	3/19/2010	Unilateral Sore	SHOW	28593				
Bobby Hugh	Dollar's Bright Star	3/14/2014	Foreign Substance	SHOW	40305				16
Tim Smith	.		Unilateral Sore	NHSC		10/9/2007	11/8/2007		
Tim Smith	She's One Hot Tamale		Scar Rule	NHSC		1/21/2009	2/3/2009		
Tim Smith	.		Illegal Chains	NHSC		7/17/2001	7/30/2001		
Tim Smith	.		Unilateral Sore	NHSC		1/28/2008	2/26/2008		
Tim Smith	.		Illegal Chains	SHOW		4/4/2011	4/14/2011		
Tim Smith	Dirty Sexy Money		Other, Define In Next Field	SHOW		6/26/2012	7/9/2012		
Tim Smith	.		Scar Rule	SHOW		7/13/2009	7/26/2009		
Tim Smith	Jose's Pepper		Scar Rule	NHSC		10/6/2008	10/20/2008		
Tim Smith	Silverado on Parole		Entered horse at 25th Annual Smokey Mountain Classic Horse Show which was found sore.	Unknown		10/29/2010	10/29/2010		
Tim Smith	Killin Machine	6/9/2012	Unilateral Sore	PRIDE	1158	6/11/2012	6/24/2012		
Tim Smith	.		Illegal Chains	SHOW		7/9/2012	7/22/2012		
Tim Smith	She's One Hot Tamale		Foreign Substance			3/20/2010	00/00/0000		
Tim Smith	I'm Splashed		Foreign Substance			00/00/0000	00/00/0000		
Tim Smith	Bingo Hall		Foreign Substance			3/19/2010	00/00/0000		
Tim Smith	Dirty Sexy Money		Foreign Substance			8/30/2010	00/00/0000		
Tim Smith	.		Unilateral Sore	NHSC		9/4/2005	9/17/2005		
Tim Smith	.		Bilateral Sore	NHSC		6/4/2002	2/3/2003		
Tim Smith	.		Bilateral Sore	NHSC		4/22/2002	12/21/2002		
Tim Smith	.		Scar Rule	NHSC		6/16/2005	6/29/2005		
Tim Smith	.		Illegal Chains	NHSC		3/11/2007	3/24/2007		
Tim Smith	FDR	8/30/2010	Unilateral Sore	SHOW	29221				
Tim Smith	The Concealed	9/3/2010	Other	SHOW	29287				
Tim Smith	She's One Hot	9/4/2010	Foreign Substance	SHOW	29297				
Tim Smith	Dance All Night	3/18/2011	Shoeing, Pads, Action Devices	SHOW	29356				
Tim Smith	Miss Keeneland	3/18/2011	Shoeing, Pads, Action Devices	SHOW	29361				
Tim Smith	I'm Splashed	5/27/2011	Unilateral Sore	SHOW	29461				
Tim Smith	Jazz Country	5/27/2011	Scar Rule	SHOW	29459				
Tim Smith	Rudy Rudiger	8/28/2011	Unilateral Sore	SHOW	29686				
Tim Smith	Jazz Country	8/29/2011	Unilateral Sore	SHOW	29707				
Tim Smith	Brother Sovereign	3/29/2012	Shoeing, Pads, Action Devices	SHOW	29554				
Tim Smith	Brother Sovereign	5/19/2012	Unilateral Sore	SHOW	98738				
Tim Smith	Dirty Sexy Money	5/24/2012	Unilateral Sore	SHOW	FS006				
Tim Smith	True Platinum	5/24/2012	Unilateral Sore	SHOW	FS007				
Tim Smith	He's Unbridled	6/1/2012	Scar Rule	SHOW	CSJ004				
Tim Smith	The Concealed	10/20/2012	Other	SHOW	1020MB1				
Tim Smith	Watch Number Seven	3/30/2013	Scar Rule	SHOW	033013KD1				

Tim Smith	Sovereign's Royal	6/7/2013	Unilateral Sore	SHOW	29812				
Tim Smith	Jazzing	6/15/2013	Shoeing, Pads, Action Devices	SHOW	40121				
Tim Smith	Brother's Vengeance	6/21/2013	Foreign Substance, Scar Rule	SHOW	40157				
Tim Smith	He's Guns N Roses	5/3/2014	Other	SHOW	28191				
Tim Smith	Fenway Finesse	5/31/2014	Foreign Substance	SHOW	28809				
Tim Smith	Glamorous And The Ritz	8/29/2011	Foreign Substance	USDA	7060: TN130313-AC				
Tim Smith	X-Factor	8/23/2012	Shoeing, Pads, Action Devices	USDA	7060: TN130133-AC				
Tim Smith	Jose's Ritzzy Hawk	8/25/2012	Shoeing, Pads, Action Devices	USDA	7060: TN130133-AC				
Tim Smith	Ms. Jose Walks	4/26/2012	Foreign Substance	USDA	7060: FL120274-AC				
Tim Smith	Ms. Jose Walks	4/27/2012	Foreign Substance	USDA	7060: FL130015-AC				46
Michael Wright	I'm a Proud American	3/15/2013	Bilateral Sore	USDA	7060: TN130449-AC				
Michael Wright	A Strong Need for Cash	8/27/2012	Foreign Substance	USDA	7060: TN130343-AC				
Michael Wright	Padron	5/26/2011	Foreign Substance	USDA	7060: TN120040-AC				
Michael Wright	Jose's Pretty Penny	8/25/2012	Foreign Substance	USDA	7060: TN130345-AC				
Michael Wright	.		Unilateral Sore	NHSC		7/4/2005	7/17/2005		
Michael Wright	.		Scar Rule	NHSC		3/11/2006	3/24/2006		
Michael Wright	.		Not Specified	USDA		10/31/2001	6/30/2002		
Michael Wright	.		Unilateral Sore	NHSC		1/14/2009	2/12/2009		
Michael Wright	.		Scar Rule	SHOW		12/13/2011	12/26/2011		
Michael Wright	Sweet Thang	8/28/2010	Scar Rule	SHOW	29170				
Michael Wright	Black Gold	9/22/2010	Scar Rule	KY-HIO	2930				
Michael Wright	A Strong Need for Cash	3/19/2011	Scar Rule	SHOW	29371				
Michael Wright	Major Frivolous	5/27/2011	Scar Rule	SHOW	29465				
Michael Wright	Padron	8/31/2011	Scar Rule	SHOW	29731				
Michael Wright	Major Frivolous	9/3/2011	Unilateral Sore	SHOW	29766				
Michael Wright	Skywalk in Bronze	10/6/2011	Scar Rule	PRIDE	0514				
Michael Wright	Skywalk in Bronze	11/11/2011	Scar Rule	SHOW	29798				
Michael Wright	Jose's Pretty Pony	6/22/2012	Foreign Substance	SHOW	622JPR1				
Michael Wright	I'm a Proud American	3/15/2013	Unilateral Sore	SHOW	29089				
Michael Wright	Here's Your Change	3/15/2013	Unilateral Sore	SHOW	29083				
Michael Wright	I'm Valuable	5/22/2014	Foreign Substance	SHOW	40321				21
Clay Sanderson	A Few Dollars	8/31/2009	Scar Rule, Sore	USDA	7060: MS10015-AC				
Clay Sanderson	Elvis Pusher	10/22/2010	Scar Rule	SHOW	29051				
Clay Sanderson	Main Sweetie	3/30/2013	Unilateral Sore	SHOW	033013MB1				
Clay Sanderson	Ain't He Grande	5/30/2014	Foreign Substance	SHOW	28808				4
Rocky McCoy	Jose's Murphy	4/18/2009	Sore, Scar Rule	USDA	7060: KY09080-AC				
Rocky McCoy	Dollar Popcorn	7/3/2009	Sore	USDA	7060: KY09080-AC				
Rocky McCoy	Sweep Away	9/22/2007	Sore	USDA	7060: WI08003-AC				
Rocky McCoy	An Eclipse	8/27/2012	Sore	USDA	7060: TN130033-AC				
Rocky McCoy	.		Bilateral Sore	KWHA		6/7/2005	2/7/2006		
Rocky McCoy	.		Unilateral Sore	SHOW		7/6/2009	7/6/1999		
Rocky McCoy	.		Bilateral Sore	SHOW		10/10/2009	10/9/2010	500	

Rocky McCoy	Puttin it on the Line	4/6/2013	Other	SHOW	Unacc C30 E378				
Rocky McCoy	Texas Jazz	8/22/2013	Scar Rule	SHOW	40132				
Rocky McCoy	Puttin it on the Line	3/14/2014	Unilateral Sore	SHOW	40306				
Rocky McCoy	Hickory's Sinatra	5/17/2014	Unilateral Sore	KY-HIO	3422				
Rocky McCoy	Nine Days on the	8/9/2014	Scar Rule	KY-HIO	3430				
Rocky McCoy	My Poker Face	8/9/2014	Scar Rule	KY-HIO	3431				13
Patrick Thomas	Don't Tread on Me, A Magic Stroke	6/21/2012, 6/22/2012	Sore	USDA	Federal Complaint, HPA Docket No. 13-0366				
Patrick Thomas	Lined up at the Ritz	8/30/2010	Foreign Substance	USDA	7060: TN11128-AC				
Patrick Thomas	High Fashion Statement	10/7/2010	Unilateral Sore	PRIDE	0018	2/20/2011	3/5/2011		
Patrick Thomas	.		Unilateral Sore	SHOW		7/27/2012	8/9/2012	100	
Patrick Thomas	Girl's Rule	8/29/2010	Shoeing, Pads, Action Devices	SHOW	29181				
Patrick Thomas	Lined up at the Ritz	8/30/2010	Other	SHOW	29216				
Patrick Thomas	2 X The Magic	9/4/2010	Unilateral Sore	SHOW	29313				
Patrick Thomas	Don't Tread on Me	11/11/2011	Unilateral Sore	SHOW	29796				
Patrick Thomas	High Cotton Jazz	6/30/2012	Unilateral Sore	SHOW	630MB1				
Patrick Thomas	Favorite Son of JFK	7/21/2012	Unilateral Sore	SHOW	0721MB1				
Patrick Thomas	Don't Tread on Me	7/26/2012f	Unilateral Sore	SHOW	0726BC2				
Patrick Thomas	Motown's Snowed	3/15/2013	Scar Rule	SHOW	29086				
Patrick Thomas	A Majic Stroke	5/25/2013	Scar Rule	SHOW	SFS010				
Patrick Thomas	Rise to Fame	7/5/2013	Shoeing, Pads, Action Devices	SHOW	MTKD01				
Patrick Thomas	Armed Red Beron W.	11/2/2013	Other	SHOW	Unacc C46 E397				15
Dick Peebles	Southern Dollar	3/19/2010	Foreign Substance	SHOW	29398				
Dick Peebles	Jose's Night Train	4/26/2013	Scar Rule	USDA	7060: TN130091-AC				
Dick Peebles	The Strawberry Dollar	8/4/2012	Sore	SHOW	29449				
Dick Peebles	Dominick	7/22/2011	Unilateral Sore	SHOW	29353				
Dick Peebles	Jazz Me Up	3/18/2011	Unilateral Sore	USDA	7060: MO11011-AC				
Dick Peebles	Jazz Me Up	9/25/2010	Transport of a sore horse	USDA	7060:MO11011-AC				
Dick Peebles	Jazz Me Up	9/25/2010	Scar Rule						
Dick Peebles	Dominick	8/30/2010	Foreign Substance	SHOW	29001				
Dick Peebles	Dominick	8/6/2010	Foreign Substance	W.H.T.A.					
Dick Peebles	.		Pressure Shoeing	USDA		8/15/2007	8/14/2012		
Dick Peebles	.		Not Specified	NHSC		11/20/1991	7/19/1992		
Dick Peebles	.		Scar Rule			5/14/2007	5/27/2007		12
Bill Cantrell	Lampshade	8/31/2012	Sore	USDA	7060: TN130028-AC				
Bill Cantrell	Pusher's Blizzard		Scar Rule	KWHA		8/4/2003	8/17/2003		
Bill Cantrell	She's Teed Off	4/25/2014	Scar Rule	SHOW	28188				
Bill Cantrell	[no entry]	7/27/2012	Unilateral Sore	SHOW	0727JPR2				
Bill Cantrell	Amped	8/27/2012	Shoeing, Pads, Action Devices	SHOW	0827MB1				
Bill Cantrell	My Kinda Luck	3/31/2011	Scar Rule	SHOW	29036				6

Link Webb	Hello Hello	5/27/2010	Unilateral Sore	SHOW	28769				
Link Webb	Distilled Gin	8/30/2010	Unilateral Sore	SHOW	29211				
Link Webb	Mr. Houston	9/3/2010	Other	SHOW	29284				
Link Webb	Mark Zone	9/4/2010	Unilateral Sore	SHOW	29298				
Link Webb	Holyfield	10/7/2010	Other, Define In Next Field	PRIDE	108	3/25/2011	3/25/2011		
Link Webb	Mark Zone	10/7/2010	Other	PRIDE	U023				
Link Webb	Holyfield	10/7/2010	Bilateral Sore	PRIDE	0108				
Link Webb	Mark Zone	11/6/2010	Scar Rule	PRIDE	0203				
Link Webb	He's Burying the Gin	8/5/2011	Unilateral Sore	SHOW	29834				
Link Webb	Charmer's Caretaker	8/26/2011	Unilateral Sore	SHOW	29608				
Link Webb	Tarheels Shocking	8/26/2011	Unilateral Sore	SHOW	29602				
Link Webb	Dumas Dandy	8/31/2011	Foreign Substance	SHOW	29743				
Link Webb	Pusher's General	10/8/2011	Unilateral Sore	PRIDE	0406				
Link Webb	Chillin the Most	11/10/2011	Unilateral Sore	SHOW	29788				
Link Webb	Ecstatic	5/18/2012	Unilateral Sore	SHOW	98741				
Link Webb	Splashing at the Ritz	5/18/2012	Unilateral Sore	SHOW	98740				
Link Webb	Ecstatic	5/18/2012	Unilateral Sore	SHOW	98741				
Link Webb	I'm Lady Antebellum	5/25/2012	Foreign Substance	USDA	7060: TN130222-AC				
Link Webb	He's Bustin the Gin	6/8/2012	Scar Rule	PRIDE	1338				
Link Webb	Splashing at the Ritz	6/16/2012	Scar Rule	PRIDE	1171				
Link Webb	He's Bustin the Gin	8/23/2012	Foreign Substance, Non-HPA Violation	SHOW	0823WE3				
Link Webb	He's Bustin the Gin	8/23/2012	Bilateral Sore	SHOW	0823WE3				
Link Webb	Pride's Conman	11/3/2012	Unilateral Sore	SHOW	1103WE1				
Link Webb	Like a Rolling Stone	3/15/2013	Unilateral Sore	SHOW	29084				
Link Webb	Jose's Pina Colada	4/26/2013	Unilateral Sore	SHOW	29501				
Link Webb	Mark Zone	5/25/2013	Scar Rule	SHOW	SFS011				
Link Webb	El nino's Hot Salsa	6/8/2013	Scar Rule	SHOW	40070				
Link Webb	Charmer's Caretaker	6/8/2013	Unilateral Sore	SHOW	40067				
Link Webb	WeeWeeman	10/25/2013	Unilateral Sore	SHOW	SCWHATH1				
Link Webb	.		Unilateral Sore	SHOW		11/14/2011	11/27/2011		
Link Webb	.		Unilateral Sore	SHOW		12/13/2011	12/26/2011		
Link Webb	Maxima	6/19/2008	Foreign Substance	\					
Link Webb	Holyfield	6/19/2008	Foreign Substance	\					
Link Webb	.		Bad Image Horse	SHOW		11/18/2012	2/17/2013		
Link Webb	Chillin the Most	6/19/2008	Foreign Substance	\					
Link Webb	.		Scar Rule	NHSC		9/6/2005	9/19/2005		
Link Webb	.		Unilateral Sore	NHSC		4/24/2005	5/7/2005		
Link Webb	.		Not Specified	USDA		9/1/2002	4/30/2003		
Link Webb	.		Not Specified	USDA		1/1/1998	8/31/1998		
Link Webb	Tony Montana	8/27/2009	Sore (transport), Scar Rule	USDA	7060: OH10019-AC				
Link Webb	Gen on the Run	8/29/2009	Sore, Scar Rule	USDA	7060: OH10019-AC				
Link Webb	Gen's Color Me In	9/1/2009	Sore, Scar Rule	USDA	7060: OH10019-AC				
Link Webb	Gen's Color Me In	9/3/2009	Sore, Scar Rule	USDA	7060: OH10019-AC				
Link Webb	Jose's Dulce	9/3/2010	Bilateral Sore	USDA	7060: TN11054-AC				
Link Webb	He's Bustin the Gin	9/4/2010	Bilateral Sore	USDA	7060: MS120003-AC				

Link Webb	Chillin the Most	11/10/2011	Bilateral Sore	USDA	7060: MS120003-AC					46
Josh Watts	Paroled from San Quenton	8/30/2012	Sore, Scar Rule	USDA	7060: TN130061					
Josh Watts			Unilateral Sore	NHSC		5/27/2008	6/25/2008			
Josh Watts			Illegal Chains	NHSC		11/4/2008	11/17/2008			
Josh Watts	The Thug	3/4/2012	Foreign Substance			3/18/2010				
Josh Watts	Cash in Rubies	4/30/2010	Unilateral Sore	SHOW	28782					
Josh Watts	Cash's Commachero	9/25/2010	Unilateral Sore	SHOW	29578					
Josh Watts	Paroled from San Quenton	3/31/2012	Unilateral Sore	SHOW	29559					
Josh Watts	Oh Too Cool	6/22/2012	Shoeing, Pads, Action Devices	SHOW	622MB1					
Josh Watts	Park Escape	7/13/2013	Scar Rule	SHOW	LA3JS					9
Chad Williams	.		Scar Rule	NHSC		9/9/2004	9/22/2004			
Chad Williams	.		Unilateral Sore	NHSC		9/4/2002	9/17/2002			
Chad Williams	.		Unilateral Sore	NHSC		9/7/2006	9/20/2006			
Chad Williams	.		Scar Rule	NHSC		10/2/2006	10/15/2006			
Chad Williams	Be Cool	8/27/2010	Scar Rule	SHOW	29165					
Chad Williams	Pushover's Black Gin	8/29/2011	Scar Rule	SHOW	29701					
Chad Williams	Steve Spurrier	7/12/2013	Unilateral Sore	SHOW	29820					
Chad Williams	Limestone Lucy	8/23/2013	Scar Rule	SHOW	40199					8
Jonathan Watts	Jazz with Grace	8/27/2009	Sore, Scar Rule	USDA	7060: TN10038-AC					
Jonathan Watts	Jose it Ain't So	8/30/2012	Foreign Substance	USDA	7060: TN130199-AC					
Jonathan Watts	Gen's Stone Cutter	8/25/2012	Foreign Substance	USDA	7060: TN130348-AC					
Jonathan Watts	.		Unilateral Sore	NHSC		6/8/2008	7/7/2008			
Jonathan Watts	Gen s Stone Cutter	8/30/2010	Foreign Substance							
Jonathan Watts	I am Moses	4/2/2010	Unilateral Sore	SHOW	28631					
Jonathan Watts	Barbie	6/5/2010	Scar Rule	SHOW	28650					

Jonathan Watts	Gen's Stone Cutter	6/30/2011	Unilateral Sore	SHOW	29508				
Jonathan Watts	I'm Sky High Jose	6/22/2012	Scar Rule	SHOW	622JPR2				
Jonathan Watts	I'm Sky High Jose	11/10/2012	Unilateral Sore	SHOW	1110KD1				
Jonathan Watts	I'm Big Country	11/15/2013	Unilateral Sore	SHOW	40020				11
Jeff Laughlin	Titleist Delight	7/5/2012	Foreign Substance	USDA	7060: TN130317-AC				
Jeff Laughlin	Ain't Over Yet	9/4/2009	Sore, Scar Rule	USDA	7060: TN10015-AC				
Jeff Laughlin	Master of Fashion	6/16/2012	Other	HAWHA	001167	7/16/2012	7/30/2012		
Jeff Laughlin	Too Tall Jones	8/26/2011	Unilateral Sore	SHOW	29607				4
					Total Known Citations for HPA Violations by the Top 25 in the Riders Cup				503

EXHIBIT 9

Known Citations for HPA Violations Issued to Top Trainers in the 2013 Rider's Cup									
Trainer	Date	Violation	Show issued	Suspension/Penalty	# of Offense	USDA Mandatory Minimum Penalty			
Bobby Hugh #17	3/19/2010	Unilateral Sore	42nd Annual National Walking Horse Trainers Show		2	120 day suspension			
13	7/26/2012	7060 Letter: TN130150-AC (Foreign Substance)	19th Annual Dickson County Saddle & Bridle Club Horse Show		1	Dismissal or Dismissal and 2 week suspension			
	8/28/2012	7060 Letter: TN130327-AC & TN130328-AC (Foreign Substance: 1/2)	Tennessee Walking Horse National Celebration		2	Dismissal or Dismissal and 2 week suspension			
	8/31/2012	7060 Letter: TN130327-AC & TN130328-AC (Foreign Substance: 2/2)	Tennessee Walking Horse National Celebration		3	Dismissal or Dismissal and 2 week suspension			
		Not Specified		5/17/1999-7/11/1999					
		Bilateral Sore		Probation ending 9/30/2001	1	1 year suspension			
		Bilateral Sore		Probation ending 11/26/2001	2	2 year suspension			
		Not Specified		8/8/1999-10/7/1999					
		Exam Score 5 pts		7/25/1999-8/7/1999					
		Exam Score 5 pts		7/12/1999-7/25/1999					
		Bilateral Sore		8/15/2007-4/14/2008	3	4 year suspension			
		Unilateral Sore		\$100 fine	1	60 day suspension			
		Bilateral Sore		11/29/2001-7/28/2002	4	4 year suspension			
Chad Williams	8/27/2010	Scar Rule	Tennessee Walking Horse National Celebration						
6	8/29/2011	Scar Rule	Tennessee Walking Horse National Celebration						
		Unilateral Sore		9/4/2002-9/17/2002					
		Scar Rule		9/9/2004-9/22/2004					
		Scar Rule		10/2/2006-10/15/2006					
		Unilateral Sore		9/7/2006-9/20/2006					

Trainer	Date	Violation	Show issued	Suspension/Penalty	# of Offense	USDA Mandatory Minimum Penalty			
Scott Beatty #12	8/23/2012	Scar Rule	74th Annual Celebration		3	1 year suspension			
12	4/7/2012	Unilateral Sore	Morehead State University Horse Show		4	1 year suspension			
	4/13/2012	Unilateral Sore	44th Annual Trainers' Show		3	1 year suspension			
	5/24/2012	Unilateral Sore	Spring Fun Show		2	120 day suspension			
	6/9/2012	Scar Rule	6th Annual Cumberland County Show		3	1 year suspension			
	8/30/2011	Scar Rule	Tennessee Walking Horse National Celebration		2	60 day suspension			
	8/26/2010	Unilateral Sore	Tennessee Walking Horse National Celebration		1	60 day suspension			
	9/3/2010	Other	Tennessee Walking Horse National Celebration						
	9/1/2012	7060 Letter: TN130329-AC (Foreign Substance)	27th Annual Smokey Mountain Classic	9/7/2012-9/21/2012	3	Dismissal or Dismissal and 2 week suspension			
	8/26/2011	7060 Letter TN130305-AC (Foreign Substance)	73rd Annual Tennessee Walking Horse National Celebration		2	Dismissal or Dismissal and 2 week suspension			
		Foreign Substance		8/22/2008--	1	Dismissal or Dismissal and 2 week suspension			
		Scar Rule		10/2/2006-10/15/2006	1	2 week suspension			
Charlie Witherspoon	8/28/2011	Unilateral Sore	Tennessee Walking Horse National Celebration	10/4/2011-1/1/2099	2	120 day suspension			
6	8/31/2011	Unilateral Sore	Tennessee Walking Horse National Celebration	10/4/2011-1/1/2099	3	1 year suspension			
	8/3/2012	7060 Letter: TN130156-AC (unspecified)	Belfast Lions Club						
		Scar Rule		5/25/2009-6/7/2009	1	2 week suspension			
		Unilateral Sore		8/28/2009-8/28/2099	1	60 day suspension			
		Not Specified		9/24/1991-9/23/1993					
Jimmy McConnell #3	11/8/2012	Unilateral Sore	Tunica Fall Classic Horse Show		10	1 year suspension			
23	5/28/2010	Scar Rule	Spring Fun Show		4	1 year suspension			
	8/25/2010	Unilateral Sore	TWHBEA National Futurity		1	60 day suspension			
	8/28/2010	Scar Rule	Tennessee Walking Horse National Celebration		5	1 year suspension			
	8/31/2010	Scar Rule	Tennessee Walking Horse National Celebration		6	1 year suspension			
	3/17/2011	Unilateral Sore	43rd Annual National Walking Horse Trainers' Show		2	120 day suspension			
	3/19/2011	Unilateral Sore	43rd Annual National Walking Horse Trainers' Show		3	1 year suspension			
	5/7/2011	Unilateral Sore	Faith Haven Walking Horse Show	5/9/2011-5/22/2011, \$100 fine	4	1 year suspension			
	8/26/2011	Unilateral Sore	Tennessee Walking Horse National Celebration	9/5/2011-9/18/2011, \$100 fine	5	1 year suspension			
	8/26/2011	Unilateral Sore	Tennessee Walking Horse National Celebration		6	1 year suspension			
	8/29/2011	Scar Rule	Tennessee Walking Horse National Celebration		7	1 year suspension			
	10/28/2011	Unilateral Sore	FAST Fall Finale	11/22/2011-12/5/2011, \$100 fine	7	1 year suspension			
	11/10/2011	Unilateral Sore	Delta Fall Classic	12/13/2011-12/26/2011, \$100 fine	8	1 year suspension			

Trainer	Date	Violation	Show issued	Suspension/Penalty	# of Offense	USDA Mandatory Minimum Penalty			
	6/18/2010	Unilateral Sore	Savannah Lions Club Walking Horse Royal		9	1 year suspension			
	3/19/2010	7060 Letter: TN11011-AC, TN11121-AC, and TN12001-AC (Foreign Substance)	National Trainers Show		3	Dismissal or Dismissal and 2 week suspension			
	3/20/2010	7060 Letter: TN11011-AC, TN11121-AC, and TN12001-AC (Foreign Substance)	National Trainers Show		2	Dismissal or Dismissal and 2 week suspension			
	8/30/2010	7060 Letter: TN11011-AC, TN11121-AC, and TN12001-AC (Foreign Substance)	Tennessee Walking Horse National Celebration		1	Dismissal or Dismissal and 2 week suspension			
		Unilateral Sore		11/26/2001-12/09/2001	1	60 day suspension			
		Not Specified		6/23/1999-7/6/1999					
		Scar Rule		9/6/2005-9/19/2005	3	1 year suspension			
		Scar Rule		3/3/2004-3/16/2004	2	60 day suspension			
		Scar Rule		11/29/2004-12/12/2004	1	2 week suspension			
		Not Specified		1/1/1994-4/30/1995					
Danny Hughes	9/2/2010	Bilateral Sore	Tennessee Walking Horse National Celebration		2	1 year			
9	8/28/2012	Scar Rule	74th Annual Tennessee Walking Horse National Celebration		2	60 day suspension			
	9/21/2007	7060 Letter: KY08041-AC (Scar Rule)	41st Annual Kentucky Celebration Horse Show		1	2 week suspension			
	9/1/2009	7060 Letter: TN10041-AC (Scar Rule)	Tennessee Walking Horse National Celebration		3	1 year suspension			
	9/1/2009	7060 Letter: TN10041-AC (Unspecified "sore")	Tennessee Walking Horse National Celebration						
	9/3/2009	7060 Letter: TN10041-AC (Unspecified "sore")	Tennessee Walking Horse National Celebration						
	9/3/2009	7060 Letter: TN10041-AC (Scar Rule)	Tennessee Walking Horse National Celebration		4	1 year suspension			
	6/15/2011	Bilateral Sore		6/15/2011-12/3/2011, \$1000 fine	2	2 years			
	10/12/2003	Foreign Substance		10/12/2003-10/25/2003	1	Dismissal or Dismissal and 2 week suspension			

Trainer	Date	Violation	Show issued	Suspension/Penalty	# of Offense	USDA Mandatory Minimum Penalty			
Casey Wright #4	6/30/2012	Unilateral Sore	Chester County Lions Club Horse Show		4	1 year suspension			
20	7/6/2012	Shoeing/Pads	Money Tree Classic			Dismissal			
	7/26/2012	Unilateral Sore	Dickson Co. Saddle & Bridle Club		2	120 day suspension			
	6/19/2010	Foreign Substance	Guntown Lions Club		2	Dismissal or Dismissal and 2 week suspension			
	6/19/2010	Foreign Substance	Guntown Lions Club		3	Dismissal or Dismissal and 2 week suspension			
	7/22/2010	Scar Rule	Dickson County Saddle & Bridle Club		4	1 year suspension			
	8/29/2010	Scar Rule	Tennessee Walking Horse National Celebration		5	1 year suspension			
	8/31/2010	Scar Rule	Tennessee Walking Horse National Celebration		6	1 year suspension			
	5/28/2011	Unilateral Sore	Celebration Spring Fun Show		3	1 year suspension			
	8/27/2011	Scar Rule	Tennessee Walking Horse National Celebration		7	1 year suspension			
	7/26/2012	7060 Letter: TN130075 (Unspecified sore)	Dickson County Bridle Club Horse Show						
	8/26/2012	7060 Letter: TN130075 (Unspecified sore)	Tennessee Walking Horse National Celebration						
	8/24/2012	7060 Letter TN130346-AC & TN130347-AC (Foreign Substance 1/2)	Tennessee Walking Horse National Celebration		4	Dismissal or Dismissal and 2 week suspension			
	8/27/2012	7060 Letter TN130346-AC & TN130347-AC (Foreign Substance 2/2)	Tennessee Walking Horse National Celebration		5	Dismissal or Dismissal and 2 week suspension			
	8/27/2010	7060 Letter: TN11038-AC (Scar Rule)	Tennessee Walking Horse National Celebration		3	1 year suspension			
		Scar Rule		6/17/2007-6/30/2007	2	60 day suspension			
	6/5/2009	Foreign Substance			1	Dismissal or Dismissal and 2 week suspension			
	8/30/2009	7060 Letter 5/24/10 (Unspecified)							
		Unilateral Sore		9/26/2005-10/9/2005	1	60 day suspension			
		Scar Rule		4/28/2007-5/11/2007	1	2 week suspension			
Bill Cantrell #31	3/31/2011	Scar Rule	Mississippi Charity Horse Show		2	60 day suspension			
8	8/27/2012	Shoeing/Pads/Action Devices	74th Annual Tennessee Walking Horse National Celebration			Dismissal			
	8/31/2012	7060 Letter: TN130028-AC (Unspecified Sore)	Tennessee Walking Horse National Celebration						
	1/1/1983	Federal Case, 715 F.2d 1508 (1983), 1 year suspension and \$2,000 fine							
	1/31/2003	Consent Decision	62 Agric. Dec. 193 (2003)						
	12/9/1988	Consent Decision	48 Agric. Dec. Part 1 (1989)						
		Scar Rule		8/3/2003-8/17/2003	1	2 week suspension			
		Unilateral Sore		6/18/2007-7/1/2007	1	60 day suspension			
Herbert Derickson #5	5/26/2012	Unilateral Sore	Spring Fun Show		4	1 year suspension			
19	5/28/2011	Shoeing/Pads/Action Devices	Celebration Spring Fun Show			Dismissal			
	5/28/2011	Unilateral Sore	Celebration Spring Fun Show		3	1 year suspension			
	8/26/2011	Unilateral Sore	Tennessee Walking Horse National Celebration		2	120 day suspension			
	8/26/2011	Scar Rule	Tennessee Walking Horse National Celebration		9	1 year suspension			
	8/27/2011	Scar Rule	Tennessee Walking Horse National Celebration		8	1 year suspension			
	9/3/2011	Unilateral Sore	Tennessee Walking Horse National Celebration		1	60 day suspension			

Trainer	Date	Violation	Show issued	Suspension/Penalty	# of Offense	USDA Mandatory Minimum Penalty				
	3/21/2002	Decision and Order HPA Docket No. 04-0003	Walking Horse Trainers' Show	\$4,400 Civil Penalty and 2 year disqualification (4/15/2009-4/14/2011)						
	9/1/1998	Bilateral Sore	ALI decision affirmed by U.S. Court of Appeals for the Sixth Circuit 9/1/98							
	8/30/2007	Federal Case, 546 F.3d 335 (2008), one year suspension								
		Scar Rule		7/24/2008-8/6/2008	3	1 year suspension				
	8/25/2008	Foreign Substance				Dismissal or Dismissal and 2 week suspension				
		Illegal Chains		6/8/2002-6/21/2002		Dismissal				
		Bilateral Sore, Scar Rule		4/22/2002-4/21/2004	1,1	1 year suspension, 2 week suspension				
		Bilateral Sore, Scar Rule		12/16/2002-12/15/2004	2,2	2 year suspension, 60 day suspension				
		Scar Rule		4/4/2005-4/17/2005	4	1 year suspension				
		Scar Rule		8/6/2006-8/19/2006	5	1 year suspension				
		Scar Rule		10/2/2006-10/15/2006	6	1 year suspension				
		Scar Rule		9/7/2006-9/20/2006	7	1 year suspension				
Dick Peebles #18	8/6/2010	Foreign Substance	Belfast Lions Club		1	Dismissal or Dismissal and 2 week suspension				
6	3/18/2011	Unilateral Sore	43rd Annual National Walking Horse Trainers' Show		2	120 day suspension				
	7/22/2011	Unilateral Sore	Marshall County Horsemen's Association Horse Show		3	1 year suspension				
	8/4/2012	7060 Letter: TN130091-AC (Unspecified sore)	106th Anniversary Wartrace Horse Show							
	9/25/2010	7060 Letter: MO11011-AC (3 violations: transporting unspecified sore horse, unspecified sore, scar rule)	Heart of America Fall Championship		(scar rule) 1	2 week suspension				
		Unilateral Sore		1/1/1998-12/31/1998	1	60 day suspension				
Larry Edwards #20	9/1/2010	Unilateral Sore	Tennessee Walking Horse National Celebration		3	1 year suspension				
18	8/30/2011	Foreign Substance	Tennessee Walking Horse National Celebration		2	Dismissal or Dismissal and 2 week suspension				
	10/7/2011	Shoeing/Pads/Action Devices	North Carolina Championship Walking Horse Show			Dismissal				
	8/25/2012	Scar Rule	74th Annual Tennessee Walking Horse National Celebration		8	1 year suspension				
	8/25/2012	7060 Letter: TN130349-AC (Foreign Substance)	Tennessee Walking Horse National Celebration		1	Dismissal or Dismissal and 2 week suspension				
	1/1/2004	Bilateral Sore and Foreign Substance	Criminal case in U.S. District Court for the Northern District of Alabama, \$500.00 fine							
	6/27/1994	Bilateral Sore	Consent Decision	1 year suspension	1	1 year suspension				
	6/29/1990		Consent Decision	\$1,000 civil penalty, \$2,000 fine						
		Scar Rule		8/2/2007-8/15/2007	7	1 year suspension				
		Scar Rule, Unilateral Sore		9/1/2002-9/14/2002	1,1					
		Unilateral Sore		9/15/2002-9/28/2002	2	120 day suspension				
		Scar Rule		9/8/2004-9/21/2004	3	1 year suspension				
		Scar Rule		9/6/2005-9/19/2005	4	1 year suspension				
		Scar Rule		9/14/2003-9/27/2003	2	1 year suspension				

Trainer	Date	Violation	Show issued	Suspension/Penalty	# of Offense	USDA Mandatory Minimum Penalty			
		Scar Rule		10/2/2006-10/15/2006	5	1 year suspension			
		Scar Rule		9/5/2006-9/18/2006	6	1 year suspension			
		Bilateral Sore		11/19/2006-7/18/2007	2	2 year suspension			
		Not Specified		5/11/1992-5/10/1994					
		Not Specified		9/1/1997-8/31/1999					
Charlie Green #2	3/30/2012	Unilateral Sore	MS Charity Horse Show		16	1 year suspension			
47	4/12/2012	Scar Rule, Unilateral Sore	44th Annual Trainers' Show		10,15	1 year suspension, 1 year suspension	1		
	8/23/2012	Scar Rule	74th Annual Celebration		11	1 year suspension			
	8/26/2012	Scar Rule	74th Annual Celebration		12	1 year suspension			
	6/16/2012	Shoeing/Pads	WHAA Summer Classic			Dismissal			
	4/21/2010	Unilateral Sore	Gulf Coast Charity Horse Show		10	1 year suspension			
			42nd Annual National Walking Horse Trainers Show		9	1 year suspension			
	3/19/2010	Unilateral Sore							
	4/16/2010	Non-HPA Violation	Bedford County 4-H Spring Festival						
	4/21/2010	Scar Rule	Gulf Coast Charity Horse Show		6	1 year suspension			
	4/22/2010	Non-HPA Violation	Gulf Coast Charity Horse Show						
	7/4/2010	Unilateral Sore	The FAST Showcase		8	1 year suspension			
	8/6/2010	Unilateral Sore	Belfast Lions Club		7	1 year suspension			
			Tennessee Walking Horse National Celebration		6	1 year suspension			
	8/26/2010	Unilateral Sore	Tennessee Walking Horse National Celebration		5	1 year suspension			
	8/30/2010	Non-HPA Violation	Tennessee Walking Horse National Celebration						
	9/1/2010	Unilateral Sore	Tennessee Walking Horse National Celebration		4	1 year suspension			
	9/2/2010	Scar Rule	Tennessee Walking Horse National Celebration		5	1 year suspension			
	10/8/2010	Other	North Carolina Championship Walking Horse Show						
	10/22/2010	Non-HPA Violation	Alabama Jubilee						
	10/23/2010	Non-HPA Violation	Alabama Jubilee						
	11/12/2010	Unilateral Sore	The Delta Fall Classic		14	1 year suspension			
			43rd Annual National Walking Horse Trainers' Show		13	1 year suspension			
	3/18/2011	Unilateral Sore	43rd Annual National Walking Horse Trainers' Show		7	1 year suspension			
	3/19/2011	Scar Rule	Mississippi Charity Horse Show		8	1 year suspension			
	4/2/2011	Scar Rule	Smith County Horse Show		9	1 year suspension			
	6/17/2011	Scar Rule	FAST Fall Finale		12	1 year suspension			
	10/28/2011	Unilateral Sore	Delta Fall Classic		11	1 year suspension			
	11/10/2011	Unilateral Sore							
	3/18/2010	7060 Letter: TN11008-AC (Foreign Substance)	National Trainers Show			Dismissal or Dismissal and 2 week suspension			
	5/27/2011	7060 Letter: TN120031-AC (Foreign Substance)	41st Annual Fun Show			Dismissal or Dismissal and 2 week suspension			
	7/3/2000	Decision and Order, HPA Docket No. 00-0004		Dismissed with prejudice					
		Not Specified		10/19/2001-1/16/2002					
		Not Specified		8/20/2001-10/18/2001					
		Not Specified		1/17/2002-3/17/2002					
		Unilateral Sore		6/19/2007-7/2/2007	2	120 day suspension			
		Bilateral Sore		7/21/2002-3/20/2003	1	1 year suspension			
		Open Lesion, one ft		10/1/2009-110/12/2099, \$50 fine	3	1 year suspension			

Trainer	Date	Violation	Show issued	Suspension/Penalty	# of Offense	USDA Mandatory Minimum Penalty			
	8/31/2010	Foreign Substance				Dismissal or Dismissal and 2 week suspension			
	5/27/2011	Foreign Substance				Dismissal or Dismissal and 2 week suspension			
	8/23/2008	Foreign Substance				Dismissal or Dismissal and 2 week suspension			
		Not Specified		9/18/2002-5/17/2003					
		Unilateral Sore		11/22/2004-12/5/2004	1	60 day suspension			
		Scar Rule		6/2/2005-6/15/2005	3	1 year suspension			
		Scar Rule, Foreign Substance		4/11/2005-4/24/2005	2,2	Dismissal or Dismissal and 2 week suspension			
		Bilateral Sore, Foreign Substance		4/22/2002-12/21/2002	2, 1	Dismissal or Dismissal and 2 week suspension			
		Scar Rule		10/31/2005-11/13/2005	4	1 year suspension			
		Not Specified		9/18/2002-5/17/2003					
		Unilateral Sore		9/18/2006-10/1/2006	1	60 day suspension			
		Total	187						
		Average	15.58333333						

EXHIBIT 10

Known Citations for HPA Violations Issued to the Top Trainers in the 2012 Rider's Cup

(Does not include USDA disqualifications or post-show foreign substance by GC-MS)

Riders Cup Rank	Trainer	Violation Date	Violation	# of offense	USDA Penalty Protocol	SHOW Penalty Structure	Show issued	Penalty actually served (if blank, no penalty was served)
1	Charlie Green	3/30/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	MS Charity Horse Show	Paid \$100 fine
		4/13/2012	Scar Rule, Unilateral Sore	1,2	2 week suspension, 120 day suspension	No show, \$100 fine, No show, \$100 fine	44th Annual Trainers' Show	Paid \$100 fine
		8/23/2012	Scar Rule	2	60 day suspension	No show, \$100 fine	74th Annual Celebration	"Pending"
		8/26/2012	Scar Rule	3	1 year suspension	No show, \$100 fine	74th Annual Celebration	"Pending"
		6/16/2012	Shoeing/Pads	1	Dismissal from show	No show, \$100 fine	WHAA Summer Classic	Suspended 7/9/2012-7/22/2012
2	Link Webb	5/18/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Petersburg Lions Club	Paid \$100 fine
		5/18/2012	Unilateral Sore	2	120 day suspension	No show, \$100 fine	Petersburg Lions Club	Paid \$100 fine
		6/8/2012	Scar Rule	1	2 week suspension	No show, \$100 fine	Lawrenceburg Lions Club	Suspended 6/11/12-6/24/12
		6/16/2012	Scar Rule	2	60 day suspension	No show, \$100 fine	WHAA Summer Classic	Suspended 6/18/12-7/1/12
		8/23/2012	Foreign Substance, Bad Image, Bilateral Sore	1	Dismissal/2 week suspension	No show, \$100 fine	74th Annual Celebration	Suspended 11/18/12-2/17/13
		11/3/2012	Unilateral Sore	3	60 day suspension	2 week suspension, \$100 fine	East TN Trainers Show	"Pending"
3	Tim Smith	5/19/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Walking for Cancer	Paid \$100 fine
		5/24/2012	Unilateral Sore	2	120 day suspension	No show, \$100 fine	Spring Fun Show	Suspended 11/26/12-12/9/12
		5/24/2012	Unilateral Sore	3	1 year suspension	2 week suspension, \$100 fine	Spring Fun Show	Paid \$100 fine
		6/9/2012	Unilateral Sore	4	1 year suspension	2 week suspension, \$100 fine	6th Annual Cumberland County	Suspended 6/11/12-6/24/12
		10/20/2012	Open Lesion	1	"Non-HPA violation"		Alabama Jubilee Charity	"Pending"
		3/29/2012	Shoeing/Pads	1	Dismissal from show	No show, \$100 fine	MS Charity	Suspended 6/26/12-7/9/12, paid \$100 fine
		6/1/2012	Scar Rule	1	2 week suspension	No show, \$100 fine	Columbia Spring Jubilee	"Pending"
4	Scott Beaty	8/23/2012	Scar Rule	1	2 week suspension	No show, \$100 fine	74th Annual Celebration	"Pending"
		4/7/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Morehead State University Horse Show	
		4/13/2012	Unilateral Sore	2	120 day suspension	No show, \$100 fine	44th Annual Trainers' Show	Paid \$100 fine
		5/24/2012	Unilateral Sore	3	1 year suspension	2 week suspension, \$100 fine	Spring Fun Show	Paid \$100 fine
		6/9/2012	Scar Rule	2	60 day suspension	No show, \$100 fine	6th Annual Cumberland County Show	
5	Justin Harris	4/28/2012	Shoeing/Pads	1	Dismissal	No show, \$100 fine	Gulf Coast Charity Walking Horse Show	Suspended 4/30/12-4/26/12 [sic], \$100 fine paid
		4/28/2012	Scar Rule	1	2 week suspension	No show, \$100 fine	Gulf Coast Charity Walking Horse Show	"Pending"
		7/19/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	TWHBEA National Futurity	"Pending"
		7/27/2012	Scar Rule	2	60 day suspension	No show, \$100 fine	Marshall Co Horseman's Assn.	"Pending"
		8/24/2012	Shoeing/Pads	2	Dismissal	No show, \$100 fine	74th Annual Celebration	9/4/12-9/17/12, Paid \$100 fine
		11/9/2012	Unilateral Sore	2	120 day suspension		Tunica Fall Classic Horse Show	"Pending"
6	Jimmy McConnell	11/8/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Tunica Fall Classic Horse Show	"Pending"
7	Winky Groover	8/4/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Wartrace Horse Show	"Pending"
8	John Allan Calloway	8/30/2012	Scar Rule	1	2 week suspension	No show, \$100 fine	74th Annual Celebration	"Pending"
9	Edgar Abernathy	5/24/2012	Scar Rule	1	2 week suspension	No show, \$100 fine	Spring Fun Show	Paid \$100 fine
10	Herbert Derrickson	5/26/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Spring Fun Show	Paid \$100 fine
11	Phillip Trimble			0				
12	Casey Wright	6/30/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Chester County Lions Club Horse Show	"Pending"
		7/6/2012	Shoeing/Pads	1	Dismissal	No show, \$100 fine	Money Tree Classic	"Pending"
		7/26/2012	Unilateral Sore	2	120 day suspension	No show, \$100 fine	Dickson Co. Saddle & Bridle Club	"Pending"
13	John Puckett	3/15/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	FAST Spring Showcase	
		6/23/2012	Unilateral Sore	2	120 day suspension	No show, \$100 fine	Eagleville Lions Club	"Pending"
		7/28/2012	Unilateral Sore	3	1 year suspension	2 week suspension, \$100 fine	Pulaski Red Carpet Show	"Pending"
		9/29/2012	Unilateral Sore	4	1 year suspension	2 week suspension, \$100 fine	Cornersville Lions Club	Suspended 10/16/12-10/29/12
		11/3/2012	Unilateral Sore	5	1 year suspension	2 week suspension, \$100 fine	East TN Trainers Show	"Pending"
		6/8/2012	Bilateral Sore	1	1 year suspension	1 year suspension and \$100 fine	Lawrenceburg Lions Club	
14	Brent Coburn	8/25/2012	Scar Rule, Unilateral Sore	1,1	2 week suspension, 60 day suspension	No show, \$100 fine	74th Annual Celebration	Pending \$200 fines per violation
		10/20/2012	Unilateral Sore	2	120 day suspension	No show, \$100 fine	East TN Fall Classic	"Pending"
		11/2/2012	Unilateral Sore	3	1 year suspension	2 week suspension, \$100 fine	East TN Trainers Show	"Pending"
		8/27/2012	Unilateral Sore	4	1 year suspension	2 week suspension, \$100 fine	74th Annual Celebration	"Pending"
15	Knox Blackburn	10/12/2012	Unilateral Sore	1	60 day suspension	No show, \$100 fine	Moore County Horseman's Association	"Pending"
Total				52				

RIDERS CUP: PLEASURE

1 Patrick Thomas	6/30/2012 Unilateral Sore 7/21/2012 Unilateral Sore 7/26/2012 Unilateral Sore	3	1 60 day suspension 2 120 day suspension 3 1 year suspension	No show, \$100 fine No show, \$100 fine 2 week suspension, \$100	Chester County Lions Club Horse Show Parkers Crossroads WHS Dickson County Saddle & Bridle Club	"Pending" "Pending" "Pending"
2 Laurie Toone			0			
3 Hannah Pulvers			0			
4 Leigh Stuart			0			
5 Jeff Laughlin	6/16/2012 Unilateral Sore	1	1 60 day suspension	No show, \$100 fine	HAWHA Spring Classic	Appeal Accepted
6 Brock Tillman	7/7/2012 Unilateral Sore	1	1 60 day suspension	No show, \$100 fine	Woodbury Lions Club Show	"Pending"
7 Jackie Byrom	5/26/2012 Unilateral Sore 7/7/2012 Unilateral Sore 5/19/2012 Unilateral Sore	3	1 60 day suspension 2 120 day suspension 3 1 year suspension	No show, \$100 fine No show, \$100 fine 2 week suspension, \$100	Spring Fun Show Woodbury Lions Club Show Celina Walking Horse Show	Paid \$100 fine "Pending" Suspended 5/28/12-6/10/12
8 Bruce Hankins			0			
9 Evan Morgan			0			
10 Carrie Martin			0			
11 Chris Helton	4/20/2012 Unilateral Sore 6/9/2012 Scar Rule 11/3/2012 Unilateral Sore	3	1 60 day suspension 1 2 week suspension 2 120 day suspension	No show, \$100 fine No show, \$100 fine No show, \$100 fine	URHOEA Spring Horse Show 6th Annual Cumberland County Open East TN Trainers Show	Suspended 4/26/12-5/9/12 Suspended 6/11/12-6/24/12 "Pending"
12 Charlie Moore			0			
13 Dick Peebles			0			
14 Jamie Bradshaw			0			
15 Robert Nelms	4/28/2012 Unilateral Sore 5/18/2012 Unilateral Sore 7/19/2012 Shoeing/Pads 7/21/2012 Unilateral Sore, Bad Image 9/13/2012 Unilateral Sore	5	1 60 day suspension 2 120 day suspension 1 Dismissal 3,1 1 year suspension 4 1 year suspension	No show, \$100 fine No show, \$100 fine No show, \$100 fine 2 week suspension & \$100 2 week suspension & \$100	NSSHA Auburntown 33rd Annual NSSHA Spring Show TWHBEA National Futurity Cannon Co. SAVE NSSHA Show 33rd Annual NSSHA World Grand Champion Show	Paid \$100 fine "Pending" "Pending" Suspended 11/26/12-1/6/13 "Pending"
Total Violations		68				
Total USDA Mandatory Minimum Penalties Served						

EXHIBIT 11

Known Citations for HPA Violations Issued to the Top Trainers in the 2011 Rider's Cup

(Does not include USDA disqualifications or post-show foreign substance by GC-MS)

Riders Cup Rank	Trainer	Violation Date	Violation	# of offense	USDA Penalty Protocol	SHOW Penalty Structure	Penalty actually served (if blank, no penalty was served)
1	Jimmy McConnell	5/28/2010	scar rule	1	2-week	none	
		6/18/2010	sore 1-foot	1	60-day	none	
		8/25/2010	sore 1-foot	2	120-day	none	
		8/28/2010	scar rule	2	60-day	none	
		8/31/2010	scar rule	3	1-year	none	
		3/17/2011	sore 1-foot	3	1-year	none	
		3/19/2011	sore 1-foot	4	1-year	none	
		5/7/2011	sore 1-foot	5	1-year	2-weeks	none served
		8/26/2011	sore 1-foot	6	1-year	2-weeks	none served
		8/26/2011	sore 1-foot	7	1-year	2-weeks	none served
		8/29/2011	scar rule	4	1-year	none	
		10/28/2011	sore 1-foot	8	1-year	2-weeks	none served, (may have served 2 weeks at some pt., but not in database)
		11/10/2011	sore 1-foot	9	1-year	2-weeks	none served
2	Charlie Green	3/19/2010	sore 1-foot	1	60-day	none	
		4/21/2010	scar rule	1	2-week	none	
		4/21/2010	sore 1-foot	2	120-day	none	
		7/4/2010	sore 1-foot	3	1-year	2-weeks	none served
		8/6/2010	sore 1-foot	4	1-year	2-weeks	none served
		8/26/2010	sore 1-foot	5	1-year	2-weeks	none served
		8/26/2010	sore 1-foot	6	1-year	2-weeks	none served
		8/26/2010	other				
		9/1/2010	sore 1-foot	7	1-year	2-weeks	none served
		9/2/2010	scar rule	2	60-day	none	
		10/8/2010	other				(PRIDE)
		10/23/2010	sore 1-foot	8	1-year	2-weeks	none served
		11/12/2010	sore 1-foot	9	1-year	2-weeks	none served
		3/18/2011	sore 1-foot	10	1-year	none	
		3/19/2011	scar rule	3	1-year	none	
		4/2/2011	scar rule	4	1-year	none	
		6/17/2011	scar rule	5	1-year	none	(PRIDE)
		6/17/2011	scar rule	6	1-year	2-weeks	(PRIDE, served 2-weeks)
		10/28/2011	sore 1-foot	11	1-year	none	
		11/10/2011	sore 1-foot	12	1-year	2-weeks	none served
3	Knox Blackburn	3/17/2010	sore 1-foot	1	60-day	none	
		5/27/2010	sore 1-foot	2	120-day	none	
		8/26/2010	scar rule	1	2-week	none	
		9/1/2010	foreign substance				
		9/2/2010	foreign substance				
		9/3/2010	scar rule	2	60-day	none	
		11/13/2010	sore 1-foot	3	1-year	2-weeks	none served
		3/19/2011	scar rule	3	1-year	none	
		7/8/2011	sore 1-foot	4	1-year	none	
		8/30/2011	scar rule	4	1-year	none	
		8/30/2011	foreign substance				
4	Tim Smith	8/30/2010	sore 1-foot	1	60-day	none	
		9/3/2010	other				
		9/4/2010	foreign substance				
		3/18/2011	shoeing, pads, action devices				
		3/18/2011	shoeing, pads, action devices				
		5/27/2011	sore 1-foot	2	120-day	none	
		5/27/2011	scar rule	1	2-week	none	
		8/28/2011	sore 1-foot	3	1-year	none	
		8/29/2011	sore 1-foot	4	1-year	2-weeks	none served
5	Michael Daniel	3/17/2010	scar rule	1	2-week	none	
		7/21/2011	sore 1-foot	1	60-day	none	
		7/22/2011	sore 1-foot	2	120-day	none	
		8/25/2011	sore 1-foot	3	1-year	2-weeks	none served
		10/28/2011	sore 1-foot	4	1-year	2-weeks	none served
6	John Allan Callaway	5/26/2011	scar rule	1	2-week	none	
7	Edgar Abernathy	2/6/2010	sore 1-foot	1	60-day	none	
		3/6/2010	shoeing, pads, action devices				
		4/1/2010	sore 1-foot	2	120-day	none	
		6/19/2010	scar rule	1	2-week	none	
		9/1/2010	scar rule	2	60-day	none	
		10/2/2010	sore 1-foot	3	1-year	2-weeks	none served
		6/4/2011	scar rule	3	1-year	none	
		6/4/2011	shoeing, pads, action devices				
		11/5/2011	foreign substance				(PRIDE)
		11/5/2011	sore 1-foot	4	1-year	none	(PRIDE, served 2-weeks)
		11/5/2011	scar rule	4	1-year	none	(PRIDE)
8	Justin Harris	4/16/2010	sore 2-feet	1	1-year	1-year	(apparently served, but not in database)
		5/27/2011	Shoeing, pads, action devices				
		5/28/2011	sore 1-foot	1	60-days	none	
		8/26/2011	scar rule	1	2-weeks	none	
		8/28/2011	scar rule	2	60-days	none	
		11/12/2011	foreign substance				

9	Link Webb	5/27/2010	sore 1-foot	1	60-days	none	
		8/30/2010	sore 1-foot	2	120-days	none	
		9/3/2010	sore 1-foot	3	1-year	2-weeks	
		9/4/2010	sore 1-foot	4	1-year	2-weeks	
		10/7/2010	other				(PRIDE)
		10/7/2010	sore 2-feet	1	1-year		(PRIDE, did not suspend, federal case)
		11/6/2010	scar rule	1	2-weeks	none	
		8/5/2011	sore 1-foot	5	1-year	none	
		8/26/2011	sore 1-foot	6	1-year	none	
		8/26/2011	sore 1-foot	7	1-year	2-weeks	
		8/31/2011	foreign substance				
		8/31/2011	sore 1-foot	8	1-year	2-weeks	(served from Nov. 14 to Nov. 27)
		10/8/2011	sore 1-foot	9	1-year	2-weeks	(PRIDE, served 2-weeks)
		11/10/2011	sore 1-foot	10	1-year	2-weeks	none served
10	Joe Cotten	10/30/2010	sore 1-foot	1	60-days	none	(PRIDE, served 2-weeks)
		3/18/2011	sore 1-foot	2	120-days	none	
		6/18/2011	sore 1-foot	3	1-year	none	
		8/26/2011	sore 1-foot	4	1-year	2-weeks	
11	Philip Trimble	8/21/2010	foreign substance				
		8/26/2010	foreign substance				
		8/28/2010	sore 1-foot	1	60-days	none	
		8/30/2010	scar rule	1	2-weeks	none	
		9/17/2010	other				(PRIDE)
		5/28/2011	sore 1-foot	2	120-days	none	
		8/25/2011	shoeing, pads, action devices				
		8/27/2010	shoeing, pads, action devices				
		11/10/2011	sore 1-foot	3	1-year	2-weeks	none served
12	Brock Tillman	6/18/2010	scar rule	1	2-weeks	none	
		7/17/2010	sore 1-foot	1	60-days	none	
		7/17/2010	scar rule	2	60-days	none	
		9/1/2010	shoeing, pads, action devices				
		3/17/2011	sore 1-foot	2	120-days	none	
		6/3/2011	shoeing, pads, action devices				
		6/10/2011	sore 1-foot	3	1-year	none	
		8/27/2011	scar rule	3	1-year	none	
		8/31/2011	sore 1-foot	4	1-year	2-weeks	none served
13	Bill Callaway	8/26/2011	sore 1-foot	1	60-days	none	
14	Bill Cantrell	3/31/2011	scar rule	1	2-weeks	none	
15	Brad Davis (Trainer to which Wilsene Moody moved her horses when moving away from Jackie McConnell)	8/27/2010	foreign substance				
		3/18/2011	sore 1-foot	1	60-days	none	
		5/26/2011	scar rule	1	2-weeks	none	
		7/2/2011	sore 1-foot	2	120-days	none	
		8/4/2011	foreign substance				
		8/5/2011	sore 1-foot	3	1-year	2-weeks	none served
		8/5/2011	shoeing, pads, action devices				
		8/25/2011	sore 1-foot	4	1-year	2-weeks	(and bad image, served from Nov. 13 - May 12)
		8/27/2011	scar rule	2	60-days	none	
		8/27/2011	foreign substance				
16	Herbert Derickson (recently off USDA suspension)	9/1/2011	sore 1-foot	5	1-year	2-weeks	(6 mths, served Nov. 13 - May 12)
		9/2/2011	sore 2-feet	1	1-year	1-year	not in database, but assume Nov. 13 - May 12 applied)
		5/28/2011	shoeing, pads, action devices				
		5/28/2011	sore 1-foot	1	60-days	none	
		8/26/2011	sore 1-foot	2	120-days	none	
		8/26/2011	scar rule	1	2-weeks	none	
17	Casey Wright (see 19, same barn)	8/27/2011	scar rule	2	60-days	none	
		9/3/2011	sore 1-foot	3	1-year	2-weeks	(none, but cited Jill for rules violation)
		6/19/2010	foreign substance				
		6/19/2010	foreign substance				
		7/22/2010	scar rule	1	2-weeks	none	
		8/29/2010	scar rule	2	60-days	none	
18	Brent Coburn	8/31/2010	scar rule	3	1-year	none	
		5/28/2011	sore 1-foot	1	60-days	none	
		8/27/2011	scar rule	4	1-year	none	
		9/11/2010	shoeing, pads, action devices				
		9/11/2010	sore 1-foot	1	60-days	none	(PRIDE, served 2-week, Jan. 7 - Jan. 20)
		9/25/2010	sore 1-foot	2	120-days	none	
		9/25/2010	sore 1-foot	3	1-year	2-weeks	(KY HIO, served 2-week)
		3/19/2011	scar rule	1	2-weeks	none	
		3/19/2011	sore 2-feet	1	1-year	1-year	none served
		5/21/2011	scar rule	2	60-days	none	
		6/24/2011	sore 1-foot	4	1-year	none	
		7/16/2011	sore 1-foot	5	1-year	none	
		8/27/2011	sore 1-foot	6	1-year	2-weeks	none served
		8/31/2011	sore 1-foot	7	1-year	2-weeks	none served
		10/6/2011	sore 1-foot	8	1-year	2-weeks	(PRIDE, served 2-week)
		10/27/2011	sore 2-feet	2	2-years	1-year	(KY HIO, shows suspension Nov. 23 - Jul. 23, but not on list)
19	Michael Wright (see 17, same barn)	8/28/2010	scar rule	1	2-weeks	none	
		9/22/2010	scar rule	2	60-days	none	
		3/19/2010	scar rule	3	1-year	none	
		5/27/2010	scar rule	4	1-year	2-weeks	none served

		8/31/2011	scar rule	5	1-year	none
		9/3/2011	sore 1-foot	1	60-days	none
		10/6/2011	scar rule	6	1-year	none
		11/11/2011	scar rule	7	1-year	none
20	Bill Bobo	8/26/2011	sore 1-foot	1	60-days	none
		8/27/2011	sore 1-foot	2	120-days	none
	(Connie Bobo, wife)	8/27/2010	sore 1-foot			none
	"	3/19/2011	sore 1-foot			none

164 = Total number of Violations for top 20 trainers

# of HPA violations		
21	3	Jonathan Watts, 3
22	1	Rodney Dick, 1
23	2	Chad Williams, 2
24	1	Gary Edwards, 1, but see Larry (31); finished a 10-year USDA suspension a couple of years ago
25	4	Scott Beatty, 4, but 4 others to Franklin Beatty in the same barn
26	3	Dick Peebles, 3
27	9	Steve Dunn, 9, including a 2-footer; trainer for Mike Inman, president of FAST, for TWHBEA VP Fiscal/Audit
28	9	Chris Pickel, 9
29	2	Winky Groover, 2
30	0	Chad Baucom 0, but 4 other Baucoms from the same barn collectively had 15
31	3	Larry Edwards, 3, but Paige also had 1 with Slim Moore out of Larry and Gary's barn
32	2	Dan Waddell, 2 (is with Jimmy McConnell at Formac Stables)
33	4	Paul Livingston, 4
34	4	Tim Gray, 4
35	2	Josh Watts, 2, but also see Dale (52) and Jonathan (21)
36	5	Andy Adkins, 5
37	10	Brad Beard, 10
38	8	Steve Beam, 8
39	5	Steve Woody, 5
40	0	Derek Bonner, 0
41	11	Jeff Green, 11
42	4	Larry Latham, 4, but see David Latham (56); other Lathams from same barn had total of 20
43	0	Steve Hankins, Sr., 0
44	1	Jeff Laughlin 1, but other Laughlins from same barn had 5
45	11	Lorenzo Smith, 11, including a 2-footer
46	3	John Toney, 3
47	1	Sephen Hankins, Jr., 1
48	5	Todd Claborn, 5
49	1	Larry Wheelon 1
50	5	Billy Gray, 5, just off USDA suspension in 2010
51	8	Jackie Barron, 8
52	10	Mac Benham, 10, including a 2-footer on 3/19/11, but showed all of 2011.
53	0	Dickie Scrivner, 0
54	3	Brandon Stout, 3
55	9	Wayne Dean, 9, current VP, Trainers Div., TWHBEA
56	9	David Latham, 9, including a 2-footer
57	0	Ross Campbell, 0
58	3	Dale Watts, 3, (see also Josh (35) and Jonathan (28))
59	0	Jeff Givens, 0
60	8	Jimmy Baumgardner, 8, including 2 2-footers
61	3	Keith Ailshie, 3, but Buffy also had 1 on a horse trained by Keith
62	2	Mike Carter, 2
63	3	Travis, Wiley, 3, but other Wileys from same barn had total of 8, including a 2 -footer
64	1	Alan Price, 1
65	7	Josh Walls, 7
66	0	Chris Bobo, 0, but see Bill Bobo (20)
67	0	David Landrum, 0, but Lindsay had 1, the barn had 1, and David has other trainers
68	0	Margaret Hickman, 0
69	3	Joel Nipper, 3, but an additional 1 for Skyler
70	1	Terry Givens, 1
71	2	Larry George, 2
72	0	Jamie Bradshaw, 0
73	4	Vicki Self, 4
74	0	Sam McLaughlin, 0

195 = Total violations for ranks 21 - 74

Source of violation information is USDA HP Database.

EXHIBIT 12

USDA HORSE PROTECTION PROGRAM HIO DQP INFORMATION <i>As of November 4, 2014</i>			
LAST NAME	FIRST NAME	LICENSE #	HIO
Coleman	William	1SVC	DQP Services
Bates	Nya	9506	FOSH
Brady	Larry	Trainee	HAWHA
Cairnes	Ray	2013-007	HAWHA
Davis	Jessie	Trainee	HAWHA
Ealey	Parker	2013-009	HAWHA
Eaton	James	Trainee	HAWHA
Hopkins	William	Trainee	HAWHA
Howard	Sam	2014-004	HAWHA
Jenkins	Claudie	Trainee	HAWHA
Maack	Mike	2014-002	HAWHA
Myers	Cary	Trainee	HAWHA
Richards	Tabatha	Trainee	HAWHA
Schwabe	Paige	Trainee	HAWHA
Shobe	MacKenzie	Trainee	HAWHA
Skopec	Scott	2014-003	HAWHA
Tillett	Ricky	2013-005	HAWHA
Wallis	Tom	Trainee	HAWHA
West	Mark	2014-005	HAWHA
Benefield	Donna	7	IWHA
Hampton	Jerry	25	IWHA
Lane	Gary	40	IWHA
Martin	Terry	45	IWHA
Matson	Mark	20	IWHA
Moore	Dr. Donna	16	IWHA
Stamper	Vernon	24	IWHA
Stamper	Joyce	23	IWHA
Carmichael	Daniel	1160	KY-HIO
Carter	Andy	1161	KY-HIO
Hancock	Mike	1146	KY-HIO
Howard	Eric	1147	KY-HIO
Jordan	Brian	1042	KY-HIO
McCammo	Ricky	1011	KY-HIO
Newsom	Tim	1162	KY-HIO
Todd	Donald	1015	KY-HIO
Varney	Roger	1140	KY-HIO
Zeller	Johnnie	1007	KY-HIO
Alford	Jan	22	MFTHBA
Case	Kelly	51	MFTHBA
Cook Jr.	Albert	41	MFTHBA
Daugherty	Donnie	52	MFTHBA
DeVore	Garry	44	MFTHBA

USDA HORSE PROTECTION PROGRAM HIO DQP INFORMATION <i>As of November 4, 2014</i>			
LAST NAME	FIRST NAME	LICENSE #	HIO
Dennis	Randall	49	MFTHBA
Flora	Brad	46	MFTHBA
Clark	Suzi	68	NWHA
Cook	Mike	65	NWHA
Dawson	Heather	67	NWHA
Holbrook	Connie	59	NWHA
Humphries	Jeff	34	NWHA
Humphries	Kim	33	NWHA
Klemenz	Simone	65	NWHA
Kovacs	Lauren	52	NWHA
Landis	Tina	44	NWHA
Lewis	Tim	70	NWHA
Wray	Jim	55	NWHA
Wray	Jerrod	49	NWHA
Wray	Linda	28	NWHA
Boles	Dustin	237	SHOW
Boles	Benton	243	SHOW
Butler	Mitchell	217	SHOW
Carter	Duayne	244	SHOW
Coleman	Brad	221	SHOW
Daniels	Michael	223	SHOW
Davis	William	208	SHOW
Edwards	William	100	SHOW
Finger	David	239	SHOW
Gladney	Iry	241	SHOW
Hamilton	James	245	SHOW
Hatfield	Timothy	211	SHOW
Lowman, II	Larry	233	SHOW
Pittman	Curtis	240	SHOW
Riner	John Paul	218	SHOW
Sullivan	Jim	230	SHOW
Young	Donald	213	SHOW
Davis	Danny Ray	1	SSHBEA
Smith	Larry "Keith"	37	SSHBEA
Woodson	Don	26	SSHBEA
Barlow	Doug	1305	WHOA-HIO
Daniel	Jeff	1302	WHOA-HIO
Martin	Terry	1202	WHOA-HIO
Messick	Richard	1304	WHOA-HIO
Messick	Lonnie	1303	WHOA-HIO
Nance	Rex	1203	WHOA-HIO
Scott	David	1205	WHOA-HIO

USDA HORSE PROTECTION PROGRAM HIO DQP INFORMATION <i>As of November 4, 2014</i>			
LAST NAME	FIRST NAME	LICENSE #	HIO
Clark	Ron	9201	WIWHA
Slavin	Nathan	1302	WIWHA
Swingley	Kimberly	9202	WIWHA
Swingley	Dave	9208	WIWHA
Verduczo	Sergio	1002	WIWHA
Zobrist	Steve	1301	WIWHA

EXHIBIT 13

USDA HORSE PROTECTION PROGRAM
DESIGNATED QUALIFIED PERSON (DQP)
LETTER OF WARNINGS-LETTER OF CONCERNS-LICENSE CANCELLATIONS
Updated November 4, 2014

Italics: DQPs currently licensed

DESIGNATED QUALIFIED PERSONS NAME	RECOMMEND LETTER OF WARNING	RECOMMEND LETTER OF CONCERN	HIO LETTER OF WARNING	HIO LETTER OF CONCERN	DQP LICENSE CANCELLED
Ed Abernathy		6/91	8/85		
Les Acree	11/09		11/09		
Edward Allen	5/91				
George Bacon			7/81		
<i>Douglas Barlow</i>			12/09		
Dr. Joe Beasley			9/85		
			4/86		4/86
Sandy Beebe			6/89		
Don Bills			10/84		
			10/85		10/85
Johnny Black			11/96		
			10/09		
			10/09		10/09
Tommy Blackwell			4/82		
<i>Benton Boles</i>	9/14				
Darren Brazeal	6/10		7/10		
Janet Briner			5/86		
Tut Brown			7/81		
<i>Mitchell Butler</i>	9/14				
Ronnie Campbell			8/95		
George Casper			8/10		
Harry Chaffin	8/91				
	8/91				
David Clark				6/9/95	
Steven Clayton			4/82		
Jimmy Coffey			1982		
Gene Commack			9/87		
John Cordell	10/91		10/91		
			5/10		5/10
Dave Crockett			9/84		
Tom Cundiff			6/85		
Joe Cunningham	6/91		7/83		
John Dadisman	1981				
	1982				
<i>Jeff Daniel</i>			11/09		
Mary Daniel					2/14
<i>Jessie Davis</i>			4/09		
<i>Danny Ray Davis</i>	6/10		9/10		
Jesse Dotson			2/84		
<i>William Edwards</i>	7/91				
	9/14				
Don Everett			7/80		
			8/95		8/95

DESIGNATED QUALIFIED PERSONS NAME	RECOMMEND LETTER OF WARNING	RECOMMEND LETTER OF CONCERN	HIO LETTER OF WARNING	HIO LETTER OF CONCERN	DQP LICENSE CANCELLED
<i>David Fingers</i>	10/08		12/08		
	9/14				
Jim Fields	6/89		9/92		
			8/95		8/95
Marietta Gambrell			7/81		
Thomas Garland			7/82		
			11/84		11/84
Kenneth Gilpin			8/80		
			1983		1983
Floyd Hampsmire	4/87		4/87		
William Hartman			5/80		
			3/87		12/90
Grover Hatton			11/96		
	6/10				
Mike Hooper			6/81		
			5/86		5/86
<i>Brian Jordan</i>	10/14		10/14		
Gary Kimmons	8/85	7/91	8/95	11/92	
Shorty Kellerman					7/95
Garrett King	6/10		7/10		
Dana Kyte			7/88		
			6/93		6/93
Bill Lones	6/91				
Michelle Marble			3/10		
David Martin		7/90			
Sharon McCaleb			5/87		
<i>Ricky McCammon</i>	11/09		1/10		
	6/10				
James A. McKnight	6/85		6/80		
G. K. Mease	6/91				
Earl Melton	7/85		10/84		
	6/87				
Chris Messick	4/91		4/09	3/92	
	8/91				
<i>Lonnie Messick</i>	7/91			8/85	
	8/91				
Percy Moss Jr.			10/87		
L. M. Murphy					3/81
Bill Murray			9/87		
<i>Cary Myers</i>			8/87		
Ed O'Neill	7/91				
Mike Osborn	11/09		11/09		
Ted Nichols					6/10
Darrell Owens	6/91				
	8/91				
Harlan Pennington	6/91				
Wayne Peoples			5/85		
<i>Curtis Pittman</i>	10/08		12/08		
Jerry Plemons			5/86		

DESIGNATED QUALIFIED PERSONS NAME	RECOMMEND LETTER OF WARNING	RECOMMEND LETTER OF CONCERN	HIO LETTER OF WARNING	HIO LETTER OF CONCERN	DQP LICENSE CANCELLED
Ted Poland	10/08		12/08		
	11/09		1/10		
	12/09		1/10		1/10
Glenn Powell			9/86		
Wayne Quesada	6/91				
Josh Richardson	11/08		12/08		
John Paul Riner	9/14				
Romie Sanders			6/85		
Donald Scalf					6/14
MacKenzie Shobe	10/14				
Scott Skopec			6/10		
	6/10		7/10		
	10/14				
Steve Skopec			9/85		
Ronnie Slack	6/88				
	7/91				
Keith Smith		11/09		11/09	
M.D. Smith			7/79		
			1/80		1/80
Larry Starnes			1/13		
Ricky Statham			10/02		
			10/09		10/09
Jim Sullivan	9/14				
Tom Wallis	11/09		11/09		
Mark West	9/14				
Greg Williams	12/09		1/10		
John Wilson			10/97		
			6/10		6/10
Lee Yates	11/09		11/09		
Donald "DY" Young	9/14				

DQP License Suspension

Thomas Burton 01/01/2009 - 01/01/2014

Terry Doyle 03/01/2009 - 03/01/2014

John Tudor 04/29/2009 - 04/29/2011

Mike Conley 05/04/2009 - 05/04/2014

Terry Jerke 07/15/2009 - 07/15/2011

John Comley 10/05/2009 - 10/05/2011

William (Bill) Cox 10/05/2009 - 10/05/2011 Donald Todd

10/10/2009 - 10/10/2011

EXHIBIT 14

Designated Qualified Persons with Citations for HPA Violations

LAST NAME	FIRST NAME	VIOLATION DATE	VIOLATION TYPE(S)	SUSPENSION
Alford	Jan			
Barlow	Doug			
Bates	Nya			
Boles	Dustin			
Boles	Benton			
Brady	Larry	6/13/2009	Pushover Citation	1 Year
Butler	Mitchell			
Cairnes	Ray			
Carmichael	Daniel			
Carter	Andy	6/13/2006	Illegal Chains	6/13/2006-6/26/2006
Carter	Duayne			
Case	Kelly			
Clark	Suzi			
Clark	Ron			
Coleman	William			
Coleman	Brad			
Cook	Mike			
Cook Jr.	Albert			
Daniel	Jeff	8/30/2003	Unilateral Sore	8/30/2003-9/12/2003
Daniels	Michael			
Daugherty	Donnie			
Davis	Jessie			
Davis	William "Keith"	11/1/1991	Not specified	2 years
Davis	Danny Ray			
Dawson	Heather			
Dennis	Randall			
DeVore	Garry			
Ealey	Parker			
Eaton	James			
Edwards	William			
Finger	David			
Flora	Brad			
Gladney	Iry			
Hamilton	James			
Hancock	Mike	10/10/1991	Not specified	10/10/1991-6/9/1992
Hatfield	Timothy			
Holbrook	Connie			
Hopkins	William			
Howard	Sam			
Howard	Eric			
Humphries	Jeff			
Humphries	Kim			
Jenkins	Claudie			
Jordan	Brian			
Klemenz	Simone			
Kovacs	Lauren			
Landis	Tina			
Lewis	Tim			
Lowman, II	Larry	5/17/2009	Unilateral Sore	5/17/2009-6/15/2009
		8/27 (unspecified year)	Foreign Substance	n/a
Maack	Mike	1/1/1996	Not specified	1/1/1996-8/31/1996

Martin	Terry	6/1/2003	Scar Rule	6/1/2003-6/14/2003
Matson	Mark			
McCammon	Ricky			
Messick	Richard			
Messick	Lonnie			
Moore	Dr. Donna			
Myers	Cary			
Nance	Rex			
Newsom	Tim			
NONE	NONE			
Pittman	Curtis			
Richards	Tabatha			
Riner	John Paul			
Schwabe	Paige			
Scott	David			
Shobe	MacKenzie			
Skopec	Scott			
Slavin	Nathan			
Smith	Larry "Keith"			
Stamper	Vernon			
Stamper	Joyce			
Sullivan	Jim	2/9/2006	Scar Rule	2/9/2006-2/22/2006
Swingley	Kimberly			
Swingley	Dave			
Tillett	Ricky	8/1/1992	Not specified	8/1/1992-3/30/1993
Todd	Donald	10/10/2002	Sore	n/a
		7/27/2006	Scar Rule	7/27/2006-8/11/2006
		9/12/2001	Not specified	9/12/2001-6/11/2002
Varney	Roger			
Verduco	Sergio			
Wallis	Tom			
West	Mark	7/9/2001	Unilateral Sore	7/9/2001-7/22/2001
		10/7/2001	Bilateral Sore	10/7/2001-6/7/2002
		10/27/2001	Bilateral Sore	10/27/2001-6/27/2002
		6/1/2012	Ticket CSJ	6/4/2012-6/17-2012
		8/26/2011	Foreign Substance	n/a
		8/4/2012	Sore	n/a
		8/4/2012	Sore	
		8/26/2011	Foreign Substance	
		6/9/2009	Sore	2 years
		6/9/2009	Sore	2 years
		11/28/2011	Unilateral Sore	11/28/2011-12/11/2011
		6/4/2012	Shoeing, Pads, Action Devices	6/4/2012-6/17/2012
		11/4/2011	Scar Rule	n/a
		6/4/2012	Unilateral Sore	6/4/2012-6/17/2012
Woodson	Don			
Wray	Jim			
Wray	Jerrod			
Wray	Linda			
Young	Donald "D.Y."			
Zeller	Johnnie			
Zobrist	Steve			

EXHIBIT 15

SHOW, Inc.'s 2014 AAAA-Rated Judges with HPA Violations

Judge Name	Role on Ticket	Horse Name	Ticket Date	Ticket Number	Ticket Type	HIO	Suspension Dates
Wayne Abee							
James Baum							
Rollie Beard					Scar Rule	NHSC	1/28/2008-2/10/2008
					Scar Rule	NHSC	10/9/2007-10/22/2007
					Bilateral Sore	NHSC	8/19/2004-4/18/2005
					Unilateral Sore	NHSC	3/10/2004-3/23/2004
					Scar Rule	NHSC	9/12/2006-9/25/2006
Kim Bennett							
Jennifer Bingham							
Leah Boyd							
Jamie Bradshaw					Not Specified	NHSC	8/6/1998-4/6/1999
					Unilateral Sore	NHSC	8/31/2003-9/13/2003
Nathan Clark					Scar Rule		11/25/2002 - 12/8/2002
					Unilateral Sore		4/27/2006 - 5/10/2006
					Scar Rule		3/28/2007 - 4/10/2007
					Scar Rule		5/14/2007-5/27/2007
Michael Daniel					Illegal Chains	SHOW	5/3/2012-5/16/2012
					Not Specified	WHTA	7/30/2012-8/27/2012
					Other/not listed	WHTA	7/30/2012-8/27/2012
	Trainer	The Ringer	4/20/2012	29385	Shoeing, Pads	SHOW	5/3/2012-5/16/2012
					Unilateral Sore	SHOW	9/26/2011-10/9/2011
					Bilateral Sore	NHSC	9/7/2005-5/6/2006
					Illegal Chains	NHSC	8/6/2006-8/19/2006
	Trainer/Exhibitor	All American L	7/21/2011	29511	Unilateral Sore	SHOW	
	Trainer/Exhibitor	Piano Man	10/28/2011	29781	Unilateral Sore	SHOW	
	Trainer/Exhibitor	Seductive	5/25/2012	FS009	Scar Rule	SHOW	
	Trainer/Exhibitor	Watch Me Clo	6/1/2012	CSJ006	Unilateral Sore	SHOW	
	Trainer/Exhibitor/Owner	Cashin' in the I	6/8/2012	1334	Scar Rule	PRIDE	
	Trainer/Exhibitor	Powerstroke N	6/8/2012	1344	Scar Rule	PRIDE	
	Trainer	Prime Jose	6/15/2012	1310	Other	PRIDE	
	Owner	American Mac	3/17/2010	28349	Scar Rule	SHOW	
Jamie Hankins					Scar Rule	NHSC	10/28/2002-11/10/2002
					Not Specified	USDA	12/18/1990-7/17/1991
A.P. (Sonny) Holt					Unilateral Sore	NHSC	10/2/2006-10/15/2006
					Not Specified	USDA	1/19/1992-1/18/1997
					Bilateral Sore	NHSC	9/4/2007-5/3/2008
					Illegal Shoein	NHSC	9/2/2008-9/15/2008
					Unilateral Sore	NHSC	9/8/2008-10/7/2008
					Scar Rule	NHSC	3/26/2007-4/8/2007
	Trainer	Uncorked Gin	7/1/2010	28910	Unilateral Sore	SHOW	
	Trainer	My Irish Crean	8/6/2010	29007	Unilateral Sore	SHOW	
	Trainer	Tin Man's Part	5/6/2011	29023	Unilateral Sore	SHOW	
	Trainer	Gangster's Hit	8/5/2011	29535	Unilateral Sore	SHOW	
	Trainer	Tin Man's Part	5/15/2010	28606	Unilateral Sore	SHOW	
	Trainer/Exhibitor	Ele Williams	6/22/2012	1174	Scar Rule	SHOW	
	Trainer/Exhibitor	Gunboat	6/22/2012	1216	Unilateral Sore	SHOW	
Ronnie Hooker					Bilateral Sore	NHSC	00/00/0000-11/19/2001
Larry A. Kyte							
W. David Landrum					Other: Verbal	NHSC	8/21/2002-9/19/2002
					Unilateral Sore	NHSC	1/1/1998-12/31/1998
					violation SHO	SHOW	6/7/2010-1/1/2009
					Foreign Subst	USDA	3/20/2010-00/00/0000
					Not Specified	USDA	12/15/1997-12/14/1999
Joel Nipper					Unilateral Sore	NHSC	8/12/2007-9/10/2007
					Unilateral Sore	NHSC	00/00/0000-10/27/2001
					Unilateral Sore	NHSC	no dates listed
		Dark Spirits Shaman			NHSC Point E	NHSC	4/27/2003-5/10/2003
					Illegal Chains	NHSC	7/2/2006-7/15/2006
					Scar Rule	NHSC	3/26/2007-4/8/2007
	Trainer	Arms Away	5/8/2010	28569	Scar Rule	SHOW	
	Trainer	Olympic Finals	8/25/2011	29596	Scar Rule	SHOW	
	Trainer	Popcorn Push	8/26/2011	29603	Scar Rule	SHOW	
Newton Parks							
Mike Simms							
Sam L. Sorrell					Unilateral Sore	NHSC	10/1/2001-10/14/2001
Terry Stone							
		Santanas Renaissance Man	4/27/2012		Foreign Substance		
Leigh Ann Stuart					Unilateral Sore	NHSC	10/1/2001-10/14/2001
Tim Thompson					Unilateral Sore	NHSC	5/12/2004-5/25/2004
Connie Waldo							
Bill Young					Unilateral Sore	NHSC	10/1/2001-10/14/2001
					Unilateral Sore	NHSC	7/5/2006-7/18/2006
*"Billy" Young	Trainer/Exhibitor	Opus One	10/23/2010	29054	Unilateral Sore	SHOW	

23 AAAA rated judges, 13 with known HPA citation histories, 63 total known citations among them.

EXHIBIT 16

SORING IN TENNESSEE WALKING HORSES:
DETECTION BY THERMOGRAPHY

H. A. NELSON, D.V.M.,
D. L. OSHEIM, B.A.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
VETERINARY SERVICES LABORATORIES
AMES, IOWA

August 1975

SORING IN TENNESSEE WALKING HORSES:

DETECTION BY THERMOGRAPHY

Summary

The practice of soring Tennessee Walking Horses to accentuate the natural gait is prohibited by the Federal Horse Protection Act of 1970. Enforcement responsibility was delegated to the United States Department of Agriculture, Animal and Plant Health Inspection Service. Proof of soring and detection in some cases has been difficult. Infrared thermography was used to differentiate the thermal patterns exhibited by unsored Tennessee Walking Horses and "sored" Tennessee Walking Horses. A consistent normal thermal pattern was demonstrated and significance of deviations determined. In no case was an abnormal thermal pattern detected in unsored horses when irritating chemical or mechanical devices had not been used.

Introduction

The practice of "soring" in the show type Tennessee Walking Horse has been occurring since the early 1950's. The number of horses "sored" and degree to which they were sored has increased progressively, reached its peak in the late 1960's and culminated in the passage of the "Horse Protection Act of 1970 - Public Law 91-540." This law specifically prohibits the practice of soring for the purpose of altering the gait.

Soring consists of deliberate irritation of the pastern area (usually the front pastern) by chemical and/or mechanical means until these areas become so sore that movement and/or the bearing of weight causes considerable pain to the animal. As a result, the hind feet are placed further forward under the horse so the rear quarters bear a greater percentage of the body weight. Likewise when the front feet come into contact with the ground, they are hyperflexed and extended (snapped forward) quickly. Long hooves plus pads and weighted shoes aid in this action. This combination results in a long rear stride and a high, far reaching action with the front feet. When everything works together in the proper rhythm, the "Big Lick" is produced. In reality, the "Big Lick" should be called the "Sore Lick" because it is performed by a horse which, by all diagnostic criteria, is unsound and unfit to show.

The reason for deliberately causing pain to horses is hard to comprehend. The practice of soring evolved as a means of making a horse perform beyond its natural ability and to speed up the training process without time spent in the saddle. The Tennessee Walking Horse as originally developed was noted for its natural running walk and good disposition. It was used as an all around horse, but was particularly desirable on long rides around plantations. As the show type animal developed, competitive spirit between owners caused them to strive for more reach and higher action in front and a long gliding stride behind. Natural ability, a long training period and proper weights on the front feet could accomplish this goal; however, when the natural limits of the horse were reached, the desire for an even bigger lick still existed and faster training methods were sought. In order to accomplish this, soring practices were started and gradually became more widely accepted as the way to train a Tennessee Walking Horse. Soring accomplished the two desired objectives: 1. To make the horse perform in

a manner in which it normally was not capable. (2.) To shorten and simplify the training period so a trainer could handle a large number of horses.

The passage of the Horse Protection Act designated the act of soring horses as illegal. Enforcement was charged to the Animal and Plant Health Inspection Service, Veterinary Services (APHIS, VS). Regulations were written and an enforcement program organized.

The positive diagnosis of soring was one of the problems encountered in enforcement of the law. Horses with open, bleeding lesions presented no particular problem, but were seldom seen because more sophisticated techniques were used to sore and the results covered by use of various astringents and styptic materials. Visual observation and clinical examination were used to detect horses suspected of being sore, but actual proof which was measurable and recordable was lacking. To provide this information, a project to develop a method to supplement clinical diagnosis was initiated.

As a severe inflammatory reaction is caused by the process of soring, inflammation was considered in finding a diagnostic aid to assist in diagnosing soring. Inflammation is defined as the complicated vascular and cellular reaction of an individual to an irritant. The five cardinal signs of inflammation are described as (5):

1. Redness
2. Swelling
3. Heat
4. Pain
5. Impaired function

Of these five cardinal signs, the ones which are readily and unequivocally detectable may vary with the individual and the degree of soring. While redness may be quite visible in a light pigmented horse, it is very difficult or impossible to detect in a dark pigmented horse. The degree of swelling will vary according to the individual, the degree and method of soring. Unless swelling is marked, it is difficult to detect. It is no doubt present to some degree in all cases of soring, but difficult to quantify. Pain is very difficult to measure and again varies according to the individual animal. Digital palpation of the affected area may illicit a response in one animal and not another. Sore areas may also become temporarily insensitive to pain after a period of continual irritation such as the horse experiences when wearing boots during a performance class. Impaired function is a response which should be visible in that the sored horse is reluctant to move and shows a deviation from the normal gait. Again it is a response that is difficult to measure, as normal "way of going" varies with the individual according to natural ability, training, and skill of the rider. Another complicating factor is that the sored horse tends to warm out of the severe symptoms with exercise and is usually warmed up sufficiently by the time it is taken in the ring; therefore, the severe symptoms of lameness which would be evident when led out of the stall are not present. What remains is the degree of soreness that is responsible for the "Big Lick." The one sign of inflammation that seemed amenable to a quantitative measurement is the degree of heat associated with inflammation.

The heat present in inflammation is due to increased blood flow in the area of inflammation and an increased rate of metabolism in the area. The heat associated with inflammation is most easily detected in body extremities (5).

Many methods of measuring the temperature of the horse's pastern area were considered. Among them: heat sensitive tape, contact thermometers, thermocouples, and infrared thermometers.

The problems in temperature measurement were complex. The mechanical process of measuring temperature on a specific portion of the pastern was possible by any of the means mentioned; however, these methods did not provide a means of recording the information or the exact location of the temperature rise. In addition, no data was available on normal or pathological surface temperature patterns in the pastern and hoof of the horse.

The one temperature measurement device which appeared to satisfy the requirements was the AGA Thermovision Unit.* This unit consisted of an infrared camera (scanning speed of 16 frames/second), a black and white display unit and color display unit. The display units converted the camera signal to a live image display. The black and white image was in shades between black and white with black displayed as the coolest areas and white as the warmest. The color display had 10 isotherms with each one displayed as a different color. Isotherm colors are coded on the bottom of the screen with heat increasing from left to right. The visual image could be recorded by means of a polaroid oscilloscope camera attachment, 35 mm camera or movie camera. Maximum sensitivity of this instrument was 0.1 degrees Celsius (°C).

By use of the color monitor, the actual thermal patterns in the pastern area of the horse could be displayed. By means of the color coded isotherms the exact difference in relative temperature from one part to the other and the total temperature variation in the area displayed could be determined.

This type of equipment had previously been used in the area of human medicine, veterinary medicine, and industry as a means of detecting temperature differentials. In human medicine there has been several applications, including the detection of breast cancer, detection of certain acute infectious processes, measurement of immediate type allergy skin tests, the study and detection of various vascular disorders, and ophthalmology (1,3,4,6,8,9). In veterinary medicine, the only work reported was by Dr. Stromberg (7) from the Royal Veterinary College in Sweden and by Delahanty, *et al.* (2). The work conducted by Stromberg was concerned with the study of inflammation of the superficial flexor tendon in the race horse. In this work he determined that a consistent thermal pattern was present and that hair coat did not interfere with the pattern. In industry the system

*Thermovision 680, manufactured by AGA, AKTIEBOLAG S-18720, Lindingo, Sweden. Mention of brand names in this paper does not imply endorsement of products by USDA, APHIS.

was used for the survey of power lines and substations to determine problem or potentially problem causing areas, to determine areas of heat loss in building, to determine friction points on airfoil tested in wind tunnels, to determine flaws in tires, and numerous other uses where detection of abnormal heat was helpful.

Preliminary Feasibility Studies

A preliminary feasibility study was conducted using two registered Tennessee Walking Horses. (One four-year-old gelding and one seven-year-old mare.) Neither animal had been sore previously. They had moderately long hooves and were shod with pads and weighted handmade shoes, as used in show horses.

The thermographic examinations were conducted indoors with the horse standing (Figure 1). For examination of the dorsal surface, the camera was positioned parallel with the long axis of the horse at a distance of 6-8 feet. A portable dolly on rollers was improvised so that the camera was low enough to the ground to form a 90° angle with the horse's limbs and to assure easy maneuverability (Figure 2). The palmar view was accomplished by placing the camera behind and very slightly to one side. This resulted in a somewhat oblique view, but not sufficient to cause distortion of patterns. The horses were examined immediately before and immediately after exercise. For most examinations a temperature range of 10°C was used; each isotherm on the color monitor represented 1°C. The focusing was done when observing the image on the black and white screen. The displayed temperature level was then adjusted so the warmest area (color monitor) was saturated in the color of the second isotherm from the right (as represented by color bars on the bottom of the screen). A photographic record was made using the color polaroid oscilloscope camera.

The two horses were examined before and after each workout in the period May 10 through 24 for a total of 48 examinations per horse. During this time no boots or chains were used. During the period from May 25 through August 4 the horses were examined before and after the daily workout for a total of 98 examinations per horse. During this time, various boots and chains were used including:

- 7 ounce chain
- 14 ounce chain
- 16 ounce legal leather bell boot (as defined in Title 9 of the Code of Federal Regulations)
- 24 ounce smooth leather bell boot
- 40 ounce smooth leather bell boot

It was determined that a consistently similar thermal pattern was present in the two experimental horses. The dorsal surface exhibited the most clearly defined pattern with the coronary band area the warmest. Two small concentric areas surrounded the coronary band and decreased by 1°C in each ring as distance from the coronary band increased. The pastern area was in general 2 to 5 degrees cooler than the coronary band. The

lines of the coronary band were smooth and well defined. The temperature through the fetlock and cannon area was in the same range as the pastern. The temperature of the hoof decreased gradually as the distance from the coronary band increased. Temperature range was about the same as the pastern in relation to the coronary band (Figure 3).

Thermal pattern of the palmar surface of the pastern was slightly more complicated, but was still clear and consistent. The warmest area was just proximal and medial to the bulbs of the heels. This area was roughly rectangular in shape and surrounded by two narrow concentric rings which decreased 1°C for each ring from center to periphery. The area outside of this central area and rings was 3 to 6 degrees cooler than the warmest areas (Figure 5).

The thermal patterns showed no significant difference before and after 30 minute workouts. Occasionally one limb was warmer than the other before exercise. This was commonly seen when ambient temperatures were under 10°C. Equalization of thermal patterns occurred during exercise.

Sweat did not interfere with thermal patterns as long as the area examined was uniformly wet. Spots or streaks of moisture showed up as cooler areas due to unequal evaporative cooling action. Wind blowing through the barn caused evaporative effects on thermal patterns when the area was wet. An effective wind shield would be necessary if working outdoors.

It was also determined that when ambient temperatures became very warm (32°-35°C) there was less overall temperature range after exercise, that is with the increase in circulation the overall surface temperature became more nearly equalized; however, the areas normally the warmest, remained the warmest with graduated decreases in the pastern areas.

An interesting sidelight was that when the mare was in oestrus the front limbs were very cold and had indistinct thermal patterns before exercise. They returned to normal after exercise and returned to normal when the mare went out of heat.

It was determined that the color monitor was necessary to distinctly determine the thermal pattern. The general pattern was distinct on the black and white monitor, but minor variations were not as easily or rapidly observed. The temperature range of the area examined was within 10°C.

After the normal patterns had been established on these horses, they were subjected to the use of heavy boots and allyl isothiocyanate (oil of mustard) applied topically to determine if a significant change in the thermal patterns occurred. After the use of 40-ounce smooth bell boots on one horse for one fifteen-minute workout, there were clinical abrasions and a slight rise in temperature (about 1°C) in the affected areas. The next day this horse was also clinically sore as evidenced by reluctance to lead, edema in the tendon area of the front limbs, and when ridden, a reluctance to move, stumbling and shifting of the weight to the hind quarters and exaggeration of the normal gait. Thermographic examination

determined that the affected area of the pastern was the same temperature as the coronary band area, indicating a rise in temperature of this area of 3 to 4 degrees. The thermal pattern of the palmar portion of the pastern had changed considerably, with a widening of the normally warm area between the bulbs of the heels and an increase in temperature of 3 to 4 degrees. As the horse returned to normal clinically, the thermal pattern could be seen changing back toward the normal configuration. In approximately two weeks, the thermal patterns were back to normal. Some inflammation could be seen thermographically for about one week after the horse returned to normal gait.

Mustard oil (allyl isothiocyanate) was used on the two horses when the thermal patterns were essentially normal. Pure oil of mustard was applied topically on the center of the palmar surface of the pastern with a glass dropper. On the first day only one drop was applied and not rubbed in. No discomfort was apparent and there was no evidence thermographically in 24 hours. On the second day three drops of pure mustard oil were applied to one horse and on the second horse three parts of mustard oil were diluted with one part of mineral oil. Three drops of this mixture were applied and rubbed in. The same application of mustard oil (pure mustard oil on one horse and mustard oil diluted with mineral oil on one) was made the third day. Tenderness was evident 48 hours after the first application and was most evident about 72 hours post application. Thermographic examination revealed a changing pattern and overall increase in temperature in the palmar surface of the pastern in 24 hours with continuing change until the most evident at 72 hours after the first application. The most obvious change was the disappearance of the concentric rings around the area between the bulbs of the heel and the increase in size of the area which should normally appear as the warmest. Two weeks were required to return to normal thermal pattern, although clinical soreness was not evident after one week. These horses were not severely sore, but only taken to the stage where clinical soreness became apparent.

It was noted that the inflammation in the horse in which oil of mustard mixed with mineral oil was used showed a widespread inflammatory pattern, whereas with pure oil of mustard the reaction was more localized.

In order to more accurately determine the consistency of thermal patterns in the pastern area of the unsored and clinically sound Tennessee Walking Horse, it was decided to locate a number of animals on one premise where soring was not practiced. Animals of this type were located and 37 registered Walking Horses 1 1/2 to 8 years of age were examined. It was found that the thermal patterns in these animals were consistent with the patterns already noted in unsored horses. In some horses, the fetlock was 10 or more degrees cooler due to blockage of the infrared radiation by long hair. This did not cause interference with interpretation because the area involved was outside of the area considered to be involved in the soring process. The animals examined had been exercised prior to thermographic examination. While some of the animals had been shown, they had not been subjected to soring.

Part II. Determination of Changes in Thermal Pattern in Soring

Introduction

Results of the feasibility studies suggested:

1. Consistent thermal patterns exist in unsored horses.
2. Soring significantly altered this thermal pattern.
3. Thermography appeared to be a potentially valuable method for detecting soring.
4. A comprehensive study of the thermal change caused by chemical and/or mechanical methods of soring was indicated.

Materials and Methods

Seven registered Tennessee Walking Horses were used. No lesions or abnormalities were present in the pastern areas. These horses consisted of:

- 1 - 3-year-old mare
- 1 - 4-year-old mare
- 1 - 7-year-old mare
- 1 - 5-year-old gelding
- 1 - 4-year-old stallion
- 1 - 7-year-old gelding
- 1 - 6-year-old gelding

These horses were worked for 30-60 minutes outside on a dirt track Monday through Friday for four weeks. Workouts were at a flat foot walk, running walk, and canter. Horses were shod as for show, that is, with long hooves, pads, and weighted handmade shoes or with cast aluminum shoes (in which mercury or lead could be placed) which substituted for long hooves, pads, and weighted shoes. Thermographic examination of the dorsal and palmar surfaces of the front pasterns was conducted before and after each workout and the color thermal image recorded with a Polaroid camera. During these four weeks, no action devices of any type were used.

Action Devices

Various action devices were used on all horses over a period of four months. These action devices included:

- 16-ounce 2 1/2"-smooth boot
- 16-ounce 2"-smooth boot
- 20-ounce 2 1/2"-smooth boot

20 ounce 2" smooth boot
24 ounce 2 1/2" smooth boot
24 ounce 2" smooth boot
15 ounce Thomas boot
22 ounce Knocker boot
40 ounce 2 1/2" smooth boot
16 ounce plastic roller
16 ounce plastic boot
6 ounce straight link chain
7 ounce double strand-twisted link chain
8 ounce straight link chain
12 ounce straight link chain
16 ounce aluminum rollers

Horses were ridden for a minimum of five consecutive days with each action device, unless soreness developed. Time for healing was allowed if soreness developed. Workouts varied from 20 to 45 minutes, dependent on the horse and riding conditions. Horses were worked outdoors on a dirt track until December 11 and were worked in an indoor, unheated arena from December 11 until March 15. Temperature during this time varied from 13° to -25°C. From December 11 to March 15 the horses were hauled to and from the arena each day (7 miles).

Thermographic examination was conducted on the pastern area of each horse before and after exercise in the same manner as when establishing normals.

Mustard Oil

Seven horses were subjected to "soring" using mustard oil. Mustard oil was applied in undiluted form to the pastern in both the dorsal and palmar areas. On the dorsal surface, two drops were applied antero-lateral about 1 inch above the coronary band and two drops antero-medial about 1 inch above the coronary band. On the palmar surface, two drops were applied medial and lateral and proximal to the bulb of the heel where flexion occurs. This was repeated once daily for three consecutive days. On two of the horses the area in which mustard oil was placed was encircled with petroleum jelly. Horses were observed daily for lesions and clinical signs of soreness and examined before and after exercise thermographically. From the time soring started until healing was completed, action devices were not used during exercise. After acute symptoms developed the area was washed daily and an antibacterial and softening ointment applied to the area.

Field Trials

The instrument was taken to three horse shows in various parts of the country and used to supplement routine examination of horses necessary for

enforcement of the Horse Protection Act. In addition to Tennessee Walking Horses; Hunters, Jumpers, Parade Horses, Hackneys, Quarter Horses, Arabians, American Saddlebreds, Morgans, and Appaloosas were examined. Examination with the Thermovision was limited to the portion of the front limb distal to the knee.

Results

A. Normal Patterns

Thermal patterns observed during the month when no action devices or soring agents were used were found to be basically the same as those observed during the preliminary studies.

The pattern on the dorsal surface was very characteristic, (Figure 3) with the coronary band the warmest and two narrow concentric rings around the coronary band decreasing by 1°C for each ring as distance from the coronary band increased. The lines of the thermal pattern in the coronary band area were smooth and distinct. Proximal to the coronary band in the pastern area the temperature was 2 to 5 degrees cooler than the coronary band. This same differential extended up through the fetlock and cannon area. Distal to the coronary band the temperature in the hoof was 2 to 5 degrees cooler than the coronary band.

The thermal pattern on the palmar surface of the pastern also was consistent and characteristic (Figure 5). The warmest area was located on the midline just above the bulbs of the heels (commonly called the "pocket" by horsemen). This area was small and roughly rectangular in shape.

Two narrow bands surrounded the warmest area. The temperature decreased by 1°C in each band with the band next to the warmest area 1°C cooler and the outside band 2°C cooler. The remainder of the area extending through the pastern area was 3 to 5 degrees cooler than the warmest area.

The patterns remained essentially unchanged after exercise, except that in very cold weather, there was not as distinctive a thermal pattern before exercise and the temperature of the limbs was not always equal. Equalization of temperature with a distinct thermal pattern was present after exercise.

B. Action Devices

Results with action devices varied considerably according to the device and the conformation of the horse. Horses with short pasterns were more apt to develop lesions than long pasterned horses. Likewise it was found that horses with high action were more apt to develop lesions. Any protrusions such as old scars tended to develop inflammation prior to normal tissue. Lesions produced varied in severity from simple hair removal and reddening of the area with the temperature increase confined to the area of lesion to a highly irritated lesion with bleeding initially and later exudation of serum and the spread of inflammation to surrounding tissues with a diffuse area of temperature increase.

No lesions were produced by chains under 8 ounces, Thomas boot, or aluminum rollers. Mild lesions were produced by the smooth bell boot up to 20 ounces and chains up to 10 ounces. No differences in severity or occurrence of lesions were noted between 2" and 2 1/2" smooth boots. They were generally confined to the bulbs of the heel, caused a temperature increase of 1 to 2 degrees and did not visibly alter the horse's gait. Temperature rise was confined to the area of visible lesion. More serious lesions were produced by heavy bell boots (24 to 40 oz.), knocker boots, and chains over 10 ounces. Heavy bell boots and knocker boots produced lesions on the anterior pastern as well as posterior. There was usually hair loss and bleeding. Temperature rise was 3 to 5 degrees with the rise in temperature including areas adjacent to the lesion. The line of demarcation was not as definite as with simple rubs. Heavy chains did not always produce visible external lesions, but a rise in temperature 3 to 5 degrees in areas just below the fetlock indicated inflammation, presumably due to concussion action of the chains. In addition, a definite alteration in gait was present with the heavy bell boots, knocker boots, and heavy chains, and signs of clinical soreness were present. These included reluctance to move, tendency to stumble, tenderness of the affected part of palpation, edema of tendon area, and exaggeration of gait with shifting of weight to hindquarters, and higher action in front. Horses were also less alert to surroundings.

C. Mustard Oil

Topical application of mustard oil resulted in consistent clinical signs and inflammatory reactions as evidenced by deviations from normal thermal patterns.

In the initial application of mustard oil, the first reaction noted was a drying of the skin surface and a rise in temperature of 1 to 2 degrees in the area of application. This was apparent in about 24 hours and progressed to reddening and cracking at 72 hours. At this stage (72 hours) signs of clinical soreness were becoming apparent. These signs were sensitivity to palpation, filling of tendon areas, reluctance to move, and stumbling. At this stage the symptoms subsided with exercise. A temperature rise of 3 to 4 degrees was evident in the areas to which mustard oil was applied.

Rise in temperature was 3 to 6 degrees as the time increased beyond 72 hours and the area of temperature increase spread beyond the area of initial application (Figures 4 and 6). The reaction was at a maximum at 5 to 6 days as evidenced by temperature rise and increased clinical signs of soreness. Clinical signs at this stage were:

1. Horse stood in one place in stall and was reluctant to move, even to eat.
2. Attitude of depression.
3. Reaction of external stimuli other than touching the affected pastern was minimal.

4. The rear feet were placed well up under the body to support as much weight as possible.
5. Leading out of the stall required one person behind the horse to force movement.
6. Movement was very slow at first with most of the weight carried on the hindquarters. Very similar to movement observed in acute laminitis.
7. Small irregularities in surface caused stumbling.
8. Considerable sensitivity to palpation to affected area. Even a movement of the hand toward the pastern area would cause reflex movement by the horse to escape touch.
9. Edema in the flexor tendon area and some edema around the fetlock.
10. Reddening of skin was evident in light-skinned horses with considerable exudation from breaks in the skin.

When ridden, the horse showed several characteristic signs of soreness. As soon as the weight of the rider was on the horse, the hindquarters went partially down, as if the horse were going to fall. Urging with spurs and whip was necessary to get the horse to move. The horse was extremely awkward for the first few minutes, with the hind legs up under the horse and the horse struggling to become accustomed to carrying the weight on the hindquarters. Lateral action of the hocks was significant, the movements were awkward and there was an extreme tendency to stumble. The rider essentially had to hold the horse up with the reins for the first few minutes. After a few minutes of exercise, the horse became more coordinated, became accustomed to bearing most of its weight on the hindquarters, and started to settle into the gait. The hindquarters glided far under the horse and the front feet touched the ground for as short a time as possible and were hyperflexed and extended (thrown forward). The weight, action devices used, and degree of soreness govern how far and high the horse will reach with the front feet. Characteristics of the warmed-up sore horse under saddle are:

1. Oblivious to surroundings and pained expression on face.
2. Tire rapidly and sweat excessively due to a combination of pain and unnatural disposition of weight.
3. Definite slope from withers down to the croup.
4. Extremely high action with front feet and extreme overstride of hind feet.
5. Jerkiness of gait.
6. Stop very rapidly when asked to halt, with majority of weight on hind feet.

7. Tendency to stumble when turned, when uneven, or soft surface is encountered, and when going down an incline. (Riders of sore horses often bring horses into ring at rapid gait so unevenness and first turn will not cause them to stumble and evidence pain as they would at a slow gait).
8. Labored and jerky canter.
9. Stiffness when starting after standing for a period of time.
10. Slower in gait than other horses in class.
11. Require considerable urging to keep moving.
12. Rapid respiration rate and flared nostrils.

The above characteristics are symptoms and may not all be present. Severity of signs vary according to degree of soring and the individual horse.

The difference in thermal patterns in the sored horse was dramatic. Inflammation tended to spread out from the area of application of mustard oil to most of the pastern. The warmest areas increased 5 to 6 degrees. Clinical signs gradually declined over a period of two weeks, so the horse did not show signs of clinical soreness when ridden, as long as no action devices were used. A period of 4-6 weeks was necessary for the thermal pattern to return to normal (Figure 7) (no boots, chains, or other action devices were used during this time). Two horses had spontaneous relapses with clinical signs of soring and a recurrence of abnormal thermal patterns 3 to 4 months after the last application of mustard oil. This occurred after a hard workout with action boots.

In a horse which had been sored 3-4 months previously, the time of maximum reaction described is shortened to about 48 hours. In a horse which has been sored within the previous 2 weeks, the pain on application is evident immediately. This is evidenced by stamping, sweating, increase in respiratory rate, desire to lie down, and reluctance to move. Alteration of gait indicative of clinical soreness was present in from 30 minutes to several hours depending on how long previously and how severely the horse was sored. Thermal changes consistent with soring were present.

Field Trials

Thermographic examinations were conducted on 168 horses at three horse shows. Types of horses and number examined were:

Tennessee Walking Horses	74
5-Gaited Saddle Horses	15
3-Gaited Saddle Horses	15
Hunter	16

Hackney	9
Welsh Pony	11
Shetland Pony	6
Standardbred	2
Quarter Horse	2
Parade Horse	2
Morgan	3
Appaloosa	7
Arabian	2

No abnormal thermal patterns were detected in horses which were clinically sound, except some areas of minor deviation from the normal thermal pattern in two 5-gaited saddle horses and one hackney pony. A definite change in thermal pattern was present in one horse presented with an inflammation of the superficial flexor tendon. A rise in temperature of 3°C above the normal was present in a small area of the proximal 1/3 of the tendon. One jumper examined had a circular "hot spot" proximal to the left front fetlock. The owner admitted "poling"* the horse about 30 minutes previously.

The mechanical aspects of transporting the instrument and conducting the examination were very satisfactory. No delays in inspection were involved in the thermographic examination of horses and the procedure was well received by horse owners.

Conclusions

A characteristic thermal pattern is present in the front pastern of unsored Tennessee Walking Horses. Other breeds were examined and the same pattern is present. Exercise does not significantly alter this pattern. Soring by chemical and/or mechanical means produces inflammatory changes characterized by a rise in temperature of the affected area and clinical signs of soreness. Degree of temperature rise and area involved in temperature rise were directly related to degree of clinical soreness. Inflammation and clinical soreness may be present without visible external lesions.

Clinical signs of soreness became apparent with a rise in temperature in the affected area of 3°C or more. Using the coronary band in the dorsal surface as a reference point, clinical soreness was apparent when the area to which mustard oil was applied was as warm or warmer than the coronary band. In severe cases, the sored area was as much as 3°C warmer than the

*American Horse Show Association (AHSA) allows with a cane pole.

coronary band or a total temperature rise of 6 to 7 degrees. On palmar surface, the temperature elevation of sored surfaces was in the same range. If sored areas were outside the pocket, the pocket could be used as a reference point, in the same manner as the coronary band; however, the inflammation was diffused and resulted in obliteration of the pocket as the warmest area, or in a significant enlargement of this area.

The inflammation tended to spread from the original site of application of oil of mustard until in some cases the entire pastern area and the upper 1/3 of the hoof were involved. In these cases the normal thermal pattern was completely obliterated. Application of petrolatum around the site of application of mustard oil enhanced the spread of inflammation.

Thermography is a valuable diagnostic tool to provide a visible and recordable image of where and to what extent inflammation is present, and to provide supplemental objective information to augment physical examination and observation. The pictorial display of the thermal image can be recorded by standard photographic means, the photograph identified and preserved to document cases of alleged soring violations.

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Figure 1. Placement of thermography equipment for examination of dorsal pastern. Camera placement is 6-10 feet from horse.



Figure 2. Thermography equipment including; camera, black and white monitor, color monitor.



Figure 3. Dorsal View of pastern - normal horse. Typical thermal pattern. BN-43824



Figure 4. Dorsal View of pastern - sore horse. Typical of thermal changes caused by application of oil of mustard. BN-43825

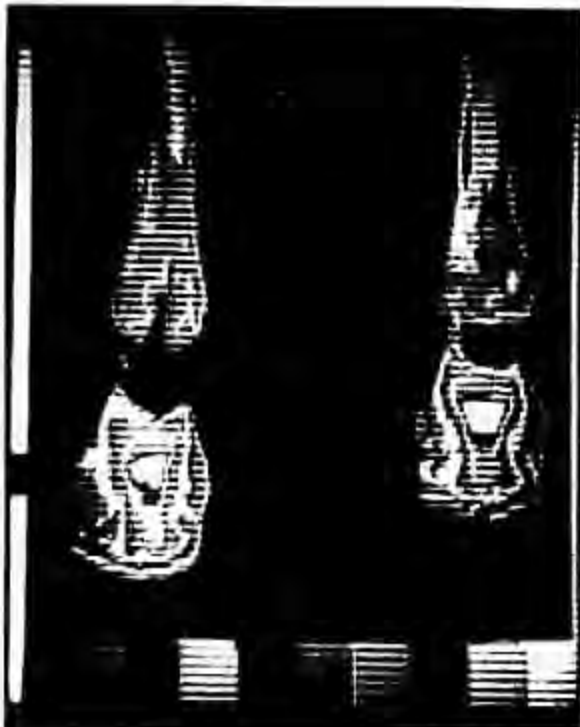


Figure 5. Palmar surface of pastern - normal horse. Typical thermal pattern. BN-43821



Figure 6. Palmar surface of pastern - sore horse. Typical of thermal changes caused by application of oil of mustard. BN-43822



Figure 7. Dorsal surface of front pastern. Thermal pattern 4 weeks after last application of mustard oil. No action devices used during this period of healing. BN-43823

EXHIBIT 17

THERMOGRAPHY IN DIAGNOSIS OF INFLAMMATORY PROCESSES IN HORSES IN
RESPONSE TO VARIOUS CHEMICAL AND PHYSICAL FACTORS

(Summary of the Research From September 1978 to December 1982)

SUBMITTED TO THE US DEPARTMENT OF AGRICULTURE

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THERMOGRAPHY IN DIAGNOSIS OF INFLAMMATORY PROCESSES IN HORSES IN
RESPONSE TO VARIOUS CHEMICAL AND PHYSICAL FACTORS

To study the effects of acute and chronic inflammatory responses of the horse's thoracic (front) and pelvic (hind) limbs, several studies were done over a seven year period at the School of Veterinary Medicine, Auburn University, Alabama.

Phase I. Normal Thermographic Pattern of the Horse Over 100 horses were used to establish normal thermographic patterns of both thoracic and pelvic limbs. There is a high degree of right leg to left leg symmetry to the infrared emission of the horse, which has also been shown in humans. But in the horse, there is also a high degree of symmetry between the front and rear legs from the carpus and tarsus distally. After exercise, the temperature patterns of lower legs remained very similar to normals obtained before exercise. Even though there was an overall increase of temperature due to exercise thermal patterns remained the same.

Phase II. Chemically Induced Acute Inflammation of the Thoracic (Front) Limbs and the Use of Anti-inflammatory Compounds in Horses Thirteen ponies were used to inject 1.25 ml of 1.9% iodine solution (hypodermis R) around the distal portion of the lateral left front splint. This was done to create an area of acute inflammation. Twenty-four hours after iodine injection, ponies were divided into four groups. Group 1 was control with no medical treatment. Group 2 was treated with Benzydamine Hydrochloride ointment. Group 3 was

treated with intramuscular injection of Benzydamine Hydrochloride and Group 4 received intravenous injection of Phenylbutazone BID (twice a day). All treatments were done for 5 days and ponies were evaluated by clinical examination for heat, swelling, pain, and physical soundness, and thermographic evaluation was done before and after exercise. The objective of this study was to evaluate thermography as a means of quantitative determination of acute inflammation and therapeutic effectiveness of the anti-inflammatory compounds. The induced inflammation was readily shown with thermography while comparing control, nontreated and treated with anti-inflammatory compounds. Anti-inflammatory compounds like benzydamine and phenylbutazone decreased inflammation when compared to nontreated inflamed animals. Thermography was very effective in the diagnosis of inflammatory responses and healing processes.

Phase III. Thermographic Evaluation of Tennessee Walking Horses, Using Various Chemical and Physical Factors (A Field Trial)

A one week extensive field study was performed on seven Tennessee Walking Horses, owned by various owners and trainers. This study was performed at Murfreesboro, Tennessee. Seven horses from various areas were brought and housed at University Camps of Murfreesboro, Tennessee. Each horse was individually handled by their trainers to provide field condition. Some of these horses were young and some were old. All had been shown at various Walking Horse shows in the nation. At one time or another these horses were considered to be sore according to the conversations with trainers and owners. Our objective for this phase of study was not to document how and when they were sore, but to evaluate these horses for a period of five to six days. Horses were given a thorough physical examination and pertinent data were recorded for information. Various thermographic views of all four legs were obtained pre-exercise and thereafter at 15, 75, 135, 255 minutes respectively for 5 to 6 days in each horse. In some horses 18 oz. chains were used for one day during exercise and then 10 oz. chains were used during exercise the other day. All horses were exercised by the trainer of a horse or by a trained horse rider hired on the research grant during the 6 day study period. With a few exceptions, most horses having old callouses will modify the thermographic patterns. But the effects of soring and the use of heavy chains can be differentiated from old callouses by comparing thermographic pictures with physical evaluation and location of the callouses. Thermographic pictures obtained 15 minutes after exercise in normal horses could be differentiated from the horses who were sore due to chemical or physical factors. This field trial produced results similar to those obtained by Dr. Nelson at Ames, Iowa.

Phase IV. Subclinical Diagnosis of Osteoarthritis by Thermographic Technique

Thermographic and radiographic evaluations of the tarsus (hock) were done in 20 horses, prior to and after exercise at 3

consecutive six week intervals. All horses were from the same stable, receiving identical care and training under equivalent schedules and conditions. Normal thermographic patterns were established for preexercise and postexercise workouts. These patterns corresponded to the underlying tarsal vasculature. Postexercise thermal patterns were generally warmer, and the increases were uniform. Abnormal thermal patterns were more localized and did not conform to the normal underlying vascular distribution. The results of this study suggest the four horses that were unable to race professionally suffered sufficient discomfort in their hocks to cause reduced performance and inability to meet minimum track qualifying times. These horses were clinically sound but all exhibited positive thermal changes of the medial aspect of their right hocks with no radiographic evidence of inflammation in the corresponding surfaces. It is my opinion that the medial aspect of the right hock bears more weight and stress when horses racing counterclockwise make the turns of the track, and is consequently prone to traumatization and early degeneration. Only one horse exhibited clinical lameness, supported by radiological findings as well as abnormal thermal patterns within the same area. It may then be concluded that abnormal thermal increases may be detected in the subclinical stages where only slight discomfort produces reduced performance. This study did determine that thermographic changes can be detected prior to radiologic changes and that these thermal increases were correlated with discomfort that presumably resulted in reduced performance. Standardbred horses were used in this study.

Phase V. Thermographic Evaluation of Sore Horses

Objectives of this study were: to evaluate chemical soring without use of action devices; to determine the pressure at six different areas of the foot below the fetlock joint in response to chemical soring; and to evaluate thermographic pictures along with the gait of horses using videotape recording. Normal thermographic patterns, before and after exercise were similar to those reported previously (Phase I) in all three horses. Application of detergent soap and leg wraps for two days produced an increase in IR-emission pattern of the treated legs. This increase in temperature varies from 2-4 degrees C warmer than the non-treated legs. Following use of detergent soap, same legs were used for application of mustard oil. After second application of mustard oil, horses showed obvious signs of pain and discomfort. Horses were also very sensitive to touch. Thermographic evaluation of affected foot showed increase in IR-emission pattern and consisted of about 5-7 degrees C rise in temperature when compared to the non-treated legs. Three to five days after the last application of mustard oil there was gradual decrease in temperature, but did not return to normal level for 3 to 4 weeks. Rectal temperature along with temperature recording from the pastern area of the foot also increased following treatment with mustard oil. Thereafter, there

was a gradual decline in both rectal temperature and the temperature in the pastern area of the foot. Rectal temperature was between 99 to 101 degrees F before soring. Seventy-two hours after second application of mustard oil rectal temperature averaged about 105.5 degrees F (preexercise). Immediately after exercise, in sore horses there was a slight decrease in body temperature, whereas non-sored horses had an increase of body temperature of 1 to 2 degrees F. Six point pressure (SPI) below fetlock joint were recorded in all horses. In clinically normal horses before exercise, a mean pressure of 36 to 37 lbs. were recorded, prior to the flinching response. Fifteen to 30 minutes after exercise the pressure dropped to a mean value of 31 psi. Application of detergent soap followed by wrapping of the leg for 24 to 48 hours caused slight inflammation. This inflammation was obvious on thermographic evaluation. When these horses were tested for pressure response on the treated foot there was a marked reduction in pressure recording. Thus, point pressure obtained indicated the presence of inflammation. After the second application of mustard oil, treated legs were sore and inflamed to the extent that horses will not tolerate point pressure above 5 to 10 psi in the affected areas. Whereas non-sored legs of the same horse will withstand a pressure ranging from 24 to 40 psi. Thus one could conclude that along with physical examination and thermographic evaluation, point pressure of affected areas could also determine the inflammatory responses which can be quantitated by using point pressure recording. Increase in body temperature could also be used in acute cases of active inflammation, but further studies are needed in this area with the speculation that in response to chronic pain, body temperatures may not stay elevated in all horses.

Phase VI. Determination of Thermographic Patterns in Response to 10 oz. chains

The objectives of this study were to determine the effects of 10 oz. chains on normal horses, before and after exercise for a duration of two weeks and to use pressure testing device along with thermography and photographic documentation of any lesions produced by 10 oz. chains. Three horses (Nos. 3, 4, and 6) were exercised without chains for several days to obtain normal thermographic patterns and pressure data. Thereafter, the horses were exercised with 10 oz. chains for 10 consecutive work days (given weekends off) and pressure data were collected along with thermography and photography documentation. Horse No. 4 had 10 oz. chains on both pasterns whereas Horse No. 3 had a chain on the left pastern and Horse No. 6 had a chain on the right pastern. The chains were fitted according to the USDA, APHIS, Veterinary Services regulations so that the chain struck the pastern at least one inch above the coronary band. Results of this study provided evidence that by day 7 of exercise with chains lesions can be produced on a horse's legs. By the 10th day of exercise with chains, these lesions were more obvious and were present on the anterior and

posterior areas of both right and left pasterns. The anterior lesions were about 1 to 2 cm in diameter and about 0.5 cm deep with the presence of edema, exudate and some bleeding. The posterior lesions were less deep, covered a larger area and had an appearance more like an abrasion. Thermographically, horses exhibited altered thermal patterns as early as day 2 of exercise with chains. These altered thermal patterns persisted as long as chains were used. After 10 days of experimentation with chains the horses were exercised without chains, and it took about 20 days in recovery to obtain normal thermal patterns. Scars formed by using chains continued to show altered thermal patterns compared to the normal areas. Horse No. 6 was exercised with a 10 oz. chain on the right leg only so it could be compared to the left leg. The right pastern area developed inflammation and edema by day 8 and visible lesions by the 10th day. Alterations in thermal patterns of the right leg were present as early as day 3 after exercise with chains. Recovery in this horse was parallel to that of the other horses. It was concluded that the use of 10 oz. chains for 10 days without use of chemical soring produces lesions in the areas of the pastern which can be seen visually after 8 to 10 days and altered thermography patterns can be seen in 2 to 3 days. If animals are allowed to recover without use of anti-inflammatory treatment it would take 3 to 5 weeks for their thermal patterns to return to normal. Extent of soreness due to chains only are less dramatic than the chemical soring.

Phase VII. Simultaneous Use of Chemical and Chains for Soring Horses

The objectives of this study were to determine the effects on forefeet of horses of detergent, mustard oil and chains, before and after exercise for a duration of two weeks and to determine if pressure readings from the forefeet of sored horses will correlate with the thermographic findings. Three horses (Nos. 3, 5 and 6) were exercised several days in a normal fashion and the animals were monitored to establish pre-treatment physical condition of the forefeet. Data were obtained by pressure testing, thermography and by taking rectal temperature. Liquid detergent was liberally applied to the pasterns of the forefeet and they were then wrapped in plastic and cloth bandages. The next day the bandages were removed and # 3 was exercised 15 minutes with chains on both feet, # 5 with a chain on the right forefoot and # 6 with a chain on the left forefoot. Ten ounce chains were used. The next day 18 drops of oil of mustard were applied to each pastern after the horses had been exercised in chains as previously described. Plastic and cloth wraps were applied and left on overnight. Wraps were removed the next day and the horses exercised in chains for 15 minutes each day (except weekends) for 8 more days. The horses were then exercised in a normal manner 5 times during a 10 day recovery period. Results of this study showed that the combination of detergent, chains, and mustard oil caused the clinical signs of a sored horse described by Nelson (1975). Horse # 3 (chains on both

legs) and # 6 (chain on left leg) had some bleeding in the pasterns 8 days after detergent was applied. Horse # 5 did not bleed but had swollen and scabby pasterns. Thermal patterns of the foot were altered by the treatment with chemicals and mechanical devices but since detergent and mustard oil were applied to both pasterns of the forefeet of all three animals, and in 2 horses chains were used either on left or right foot, unchained feet were only sores chemically, were similar to the one with both chemical and chains. Thus inflamed area with or without chains showed similar results on thermography. Rectal temperatures were slightly higher during the period of treatment than for periods of non-treatment. The combined use of detergent, chains and mustard oil on the pasterns of horses causes lesions and tissue damage visible to the naked eye. They also cause alterations of the horse's behavior that are predictable. The pressure device is consistent in charting trauma caused to the feet of Tennessee Walking Horses. There is a wide margin between the pressures that an unsored horse will tolerate compared to those a sored horse can endure.

Phase VIII. Effects of Tranquilizers and Vasoactive Drugs on the Pattern of The Normal and Neurectomized Fore Legs of Horses

The objectives of this study were to determine the prolonged effects of neurectomies on the circulatory patterns of the legs of horses, and to determine the effects of epinephrine, norepinephrine, acetylpromazine and propranolol on the circulatory patterns of normal and neurectomized legs of horses. Four horses were used in this study. Normal patterns of the thoracic limbs were similar to those reported previously. To determine the effect of acetylpromazine, epinephrine, norepinephrine and propranolol, horses were injected with these drugs and thermographic patterns were determined for an extended period. Thereafter, posterior digital neurectomies were done and drug effects were evaluated again. Low and high volar neurectomies were also done. In 3 other horses the effects of local nerve blocks, high and low volar nerves and posterior digital nerve were studied to evaluate the circulatory patterns: Intravenous injection of acetylpromazine (0.06 mg/kg) caused increased thermal patterns of both the thoracic and pelvic limbs in horses. Similarly, epinephrine and propranolol caused vasodilatation and increased thermal patterns. Norepinephrine caused vasoconstriction and decreased temperatures of both pelvic and thoracic limbs (for reference see publication # 5). Following neurectomies in either the pelvic or thoracic limb at various sites there was increased heat in the areas supplied by these nerves. Within 3 to 6 weeks neurectomized areas had a readjustment of their local blood supply, and it was difficult to differentiate between the normal and neurectomized areas on thermography. Administration of acetylpromazine (0.06 mg/kg IV) caused increased heat in the non-neurectomized areas of the opposite limbs, whereas no effect was seen on the neurectomized limbs. Results obtained with low and high volar neurectomies were similar to those of a posterior digital

neurectomy. Thermographic evaluation of the thoracic and pelvic limbs were also done before and after local nerve blocks of both pelvic and thoracic limbs. Responses varied according to the site of injection. Nerve blocks only persisted for a short duration because carbocaine is a short-acting local anesthetic. It was concluded that the thermography can be effectively used to evaluate vasoconstrictive and vasodilatory drugs in horses. Neurectomized areas can also be detected by thermographic techniques.

Phase IX. Thermographic Evaluation of Chemically (Amphotericine B) Induced Arthritis of the Carpus and Tarsus Joints Along With or Without Injection of Steroids in the Joint

The objectives of this study were to chemically induce intercarpal and tibiotarsal arthritis by injection of amphotericine B and to evaluate the effects of corticosteroids in the treatment of induced arthritis. Both thermography and radiography were used to evaluate the above stated objectives. Twelve ponies were used consisting of 48 joints to be evaluated. Eight joints were used as controls, 8 were injected with dextrose for a positive control 8 joints were used for amphotericine B injection only and of the other 16 joints, 8 were injected with methylprednisolone before amphotericine B and the other 8 were injected with methylprednisolone 24 hours after amphotericine B. Ponies were evaluated physically, thermographically and by radiography. Results of this study showed that the corticosteroid treatment of intra-articular injection in the joints was effective in alleviating the pain and clinical signs of lameness when compared to the induced arthritis non-treated joints. Even after the clinical signs of arthritis disappeared thermography still showed the presence of inflammation up to 30 to 40 days after the injection of amphotericine B. Radiographic evidence also provided that arthritis persisted longer than it was evident on physical exam. Present and previous studies from this clinic show that thermography can diagnose subclinical inflammation and it can be used to evaluate the healing processes. (See publication for more details).

Phase X. Use of 8 and 10 Ounce Chains on Scarred Horses

This study consists of two parts. In the first part of the experiment two horses were scarred using chain and mustard oil. Along with these, two scarred horses were bought. The second part of the study consisted of using 8 and 10 ounce chains and 14 ounce rollers on the scarred horses to evaluate their effect on the scar.

Part 1 of Phase X, Scarring Processes: Two horses were used to produce scars using 16 or 14 oz. chains with clinical soring described previously. It took an unpleasant 2 months of detergent, mustard oil and chain use to produce minimal scarring of two horses. Bleeding of pasterns first occurred in about 7 to 8 days, while

exercising in chains. Evidence of inflammation of the pasterns was noted on thermovision the day after presoring and chain use, particularly after exercise. The thermal pattern became more diffuse and abnormal as the study proceeded. Drop in pressure readings occurred with continued use of chemicals and chains. The animals displayed many signs of discomfort and distress during the use of chemicals and chains. Some were stiffness, trotting instead of gaiting, lying down in the stall, reluctance to move, vagueness as to surroundings, bearing more weight on hind feet, stumbling, falling, hanging the head, wobbling, altered facial expression, and a peculiar stance when standing. Although the horses were seldom exercised in chains more than 15 minutes per day and were not exercised each day because of rain, thrown shoes and weekends, it was apparent that 14 and 16 oz. chains inflict more trauma than 10 oz. chains. Scars can be produced on pasterns with chemicals and chains but despite 2 months of efforts to do so they were small scars and barely discernible in one horse. Thermograms and pressure readings readily distinguish a normal unsore horse from one being treated with chemicals on the pastern and exercised in chains.

Part 2 of Phase X, Effects of Actions Devices on Scars:
The objective of the 2nd part of the study was to determine if legal action devices are injurious to the feet and legs of horses bearing scars in that area. Three Tennessee Walking Horses (#11, 13, and 14) with bilateral scars about the pasterns were subjected to studies in which legal action devices were affixed to their pasterns. Fourteen ounce aluminum rollers were used on # 11, 10 oz. chains on # 13 and 8 oz chains on # 14. Horse # 11 had less scar tissue than the other two. He was scarred on the premises with 14 oz. chains prior to this study. The other two horses were purposefully acquired with the scars. Horse # 11, a gelding, was exercised 7/28/80 8/1/80 without action devices for the purpose of monitoring his physical condition under normal circumstances. From 8/4 8/15 he was exercised 9 times for 20-22 minutes each time in 14 oz. rollers with vaseline as lubricant. From 8/18 9/15 he was exercised and monitored seven times to record data on his recovery. Horse # 13, a gelding, was exercised 6/26/80 7/11/80 without action devices for monitoring normal conditions. From 7/14 7/25 he was exercised and monitored for 15-30 minutes each time in 10 oz. chains. Vaseline was used as a lubricant. From 7/28 9/15 he was exercised and monitored 10 times during the recovery period. Horse # 14, a stallion, was exercised and monitored 8 times 9/15/80 9/19/80 without action devices to establish normal physical conditions. He was exercised and monitored nine times 9/22 10/3 in 8 oz. chains for 15 minutes each exercise period. Vaseline was used as a lubricant. From 10/6 10/22 he was exercised and monitored 12 times during the recovery period. Results of this study showed that all three horses developed raw lesions on the scarred pasterns when exercised in action devices and lubricant. The lesions bled on horses #13 and 14 that exercised in chains. Abnormal thermal patterns developed on the pasterns of the three horses during the

period of exercise in action devices and the drop in pressure readings occurred. Thermal patterns became more regular in appearance and pressure readings increased during the recovery period when the horses were exercised without action devices. Fourteen ounce rollers and 8 and 10 ounce chains will cause raw lesions on scarred pasterns of horses when the horses are exercised 15-30 minutes per day in the devices. Lesions occur in less than 2 weeks, even when the horses are not exercised on weekends. The action devices cause irregular thermal patterns detectable by thermovision, increased sensitivity to pressure on the pasterns, and discomfort and altered gaits visible to observers.

Phase XI. Use of 2, 4 and 6 Ounce Chains

The objectives of this study were to evaluate the use of 2, 4 and 6 ounce chains in Tennessee Walking Horses, without using any other chemical or mechanical technique to induce inflammation. Use of 2, 4 and 6 oz. chains did not cause any detectable pain, tissue damage. Thermographic and pressure evaluation did not change significantly. Thus, it was concluded that the use of 2, 4 and 6 oz. chains for a duration of 2 to 3 weeks did not produce any harmful effects to the horses' legs, with exception to some loss of hair from 6 oz. chains in the pastern areas.

Phase XII. Use of Non-Steroid Anti-inflammatory Compounds (Phenylbutazone Flunixin-Meglumine) to Enhance Healing after Soring with Mustard Oil and Chains

In this study horses were sored using mustard oil and 10 oz. chains described previously. Following soring one group of horses were treated with phenylbutazone twice a day and the other group was treated with Flunixin-Meglumine for 5 days. Steroid ointment was also applied locally in the area of inflammation for 5 days. Then treatments were discontinued. Normally it took about 3 to 6 weeks for complete healing after initial induction of inflammation without any treatment with anti-inflammatory compounds. But the use of phenylbutazone (IV) and local application of steroid ointment enhanced healing. Horses on phenylbutazone healed in about 10 days, whereas use of Flunixin-Meglumine use took about 15 days for complete recovery. Enhanced healing effects could actually be seen within 48 to 72 hours after initiation of treatment with anti-inflammatory drugs.

Phase XIII. Evaluation of Dimethyl Sulfoxide (DM50) Alone and In Combination with Gibson's Linament, Applied to Limbs of Horses

To determine if DM50 alone or mixed with linament would mask soring or otherwise interfere with thermography so that thermal patterns associated with sored feet and legs would not be detected. Two horses were used in this study. Gibson's linament, 90% strength

DMSO, and oil of mustard were applied to determine the effects on the forelegs of horses. Thermovision, a Micron, a Carillon pressure device, a rectal thermometer were used to evaluate the effect of above stated compounds. DMSO and Gibson's linament were applied alone and in combination of 1:1 and 1:2 linament-DMSO. Amounts painted onto the legs and feet ranged from 10 to 20 cc. Rear legs and feet were used to increase the number of tests. Ten drops of oil of mustard were applied to the right leg of one horse. Fifteen cc of a 1-2 mixture of linament-DMSO was applied the next day after thermovision confirmed an elevated temperature pattern. Horses were exercised for 4 days and physical condition monitored in a routine manner. The horses were monitored and exercised 7 more times during an 18 day recovery period. Preliminary studies conducted revealed that DMSO, Gibson's linament, and mixtures of the two caused inflammation that was detectable by thermography and that caused a decline in pressure measurements. A study on one horse with DMSO-linament mixture yielded basically the same results. The heat pattern caused by oil of mustard did not subside when DMSO, linament or mixtures were applied. There were no detectable distortions of patterns that might confuse thermographic findings in sore horses.

Phase XIV. Use of Seven Commercial Compounds to Determine if they Can Mask Soring

Studies were done to determine if preparations containing silicone can alter or cover up thermal patterns obtained by thermography. Several Large Animal Clinic horses were used over a period of 5 days to determine the effects of various dilutions of silver nitrate and 5 hair sprays and a boat water-proofing liquid containing silicone. Normal thermal patterns were obtained before the preparations were applied as a spray or with a dauber to the legs and feet. The limbs were observed at different time intervals during the day with a thermovision camera and the next day before the material was washed off. Mustard oil was used on several feet to cause an abnormal thermal pattern. None of the compounds used masked or altered normal or mustard-oil-induced abnormal thermal patterns. Thus it was concluded that silicone containing substances and silver nitrate used in this study did not mask or alter thermal patterns in horses.

Phase XV. Preliminary Studies to Evaluate the Effects of Change in the Heel to Toe Ratio

The objectives of this study were to determine if deviation of hoof angle will alter the gait of Tennessee Walking Horses and to determine if tendonitis or other inflammation were caused by deviation of hoof angle. Two horses, # 22 and # 23 were placed under observation on 4/9/81 and monitored before and after 15-20 minutes of exercise with thermography, pressure device, Micron, rectal thermometer and visually by rider, technician and

veterinarian. Horse # 22 was shod from 'barefoot status to wedges, pads and shoes on 4/13. Horse # 23 had been shod similarly before 4/9/81.

On 4/29 the heels of both horses were raised 8 degrees, before exercise and monitoring. On 5/11 the heels were dropped 12 degrees by removing wedges and the horses exercised and monitored. Horses were then exercised and monitored on 10 separate days during the period of 5/12 - 6/1. No action devices or chemicals were applied to the feet or legs during the study.

Thermography study suggests that shoeing of the forefeet in pads and wedges from a barefoot status (horse # 20) causes a 1-2 degree rise in temperature in the superficial and deep flexor tendon area.

Similarly, inflammation in this area was observed on thermography when the angle of the hoof was raised or lowered (both horses). When the heels were lowered on 5/11 and observed until 6/1 there was a gradual decrease of inflammation in the flexor tendon area.

Pressure readings taken at the usual 6 points on the foot fluctuated to a minor degree, reaching their lowest levels 2 days after the heels were elevated 8 degrees in both horses. Raising the heels 8 degrees caused both horses to stumble and tire easily. They did not regain a sound gait for about 7 days. When the heels were dropped 12 degrees the horses gaited more soundly although there was swelling in the flexor tendons for about 7 days.

Raising or lowering the heels of Tennessee Walking Horses and shoeing one with wedges and pads from barefoot status causes thermal patterns in the flexor tendon area that can be distinguished on thermography. These changes cause less fluctuation in pressure readings than the use of action devices or chemicals.

Inflammation subsides about one week after the heels are raised or lowered 8 and 12 degrees respectively.

Raising the heel causes a more observable change in the horses' gait than lowering the heel after it has been raised.

Phase XVI. Pressure Shoeing

Two horses were used for pressure shoeing technique. Horses' gaits can be altered by pressure shoeing. The degree of soreness from pressure shoeing depended on the techniques used. Soreness from pressure shoeing was not detectable in the pastern areas by physical examination or by thermographic technique in all cases, because pads obscure the solar surface of the foot. But obtaining thermographs of the sole after removal of pads, soreness was obvious due to inflicted inflammation to the solar surface of the foot.

Phase XVII. Comparison of Pressure Data Between Pelvic and Thoracic Limbs Before and After Exercise for 5 Continuous Days

The studies were done to evaluate the six point pressure data of the coronary band and pastern areas of both pelvic (hind) and thoracic (front) limbs in 6 horses to determine the variation in the front and back legs. there were no significant differences in pressure

data from the front to the back legs of these horses. Pressure values averaged between 30 to 40 psi, before and after exercise in all normal horses. Whereas in horses where acute inflammation was induced by chemical or physical means significant decrease in pressure values were recorded.

Phase XVIII. A Field Trial with 8 Horses in Murfreesboro, Tennessee, to Evaluate the Pressure Device, Micron Temperature along with Thermography

This study was done using 8 Walking Horses brought during the month of June, 9-11, 1981. Horses were brought in by owners and/or trainers for this study. A 3 day trial was performed in which all horses were examined before and after exercise by 3 veterinarians and 1 DQP. In some cases as many as 4 to 5 veterinarians may have examined these horses. Each individual was requested to submit his own report without consultation with others, to Dr. Purohit for final compiling of the data. After examination by the DQP and veterinarians, thermographic evaluation was done before and after exercise. The pressure data on the pastern area were collected, and a hand-held infrared gun was used to determine the temperature of the legs. Owners were allowed to use 10 oz. legal chains, but they were asked not to notify us if they used any chemical or other technique to sore the horse.

During the 3 days of this study, 3 horses at one time or another did show sensitivity to the physical examination and the same horses were classified as having inflammatory reaction on thermography and pressure device. Whereas 4 horses were not considered sore by all criteria used in' this study. Thermography technique was able to detect inflammation, on 2 horses even before they were exercised on day 1. Of the 3 sores horses 2 showed only selected areas of inflammation. One horse by day 3 showed acute inflammation on thermography. This horse was used with 10 oz. chains. Of the 8 horses, 1 horse in this study was very difficult to handle and several veterinarians and 1 DQP had considerable difficulty in examining this animal. The difficulty extended even to the point of the horse not allowing the use of the infrared Mikron thermometer. This horse had normal pressures on day 1 before exercise, with exception to the pocket and bulb of the heels, which were sore both on pressure and thermography technique. There was an excessive drop in pressure after exercise on day 1. Thereafter, the only sensitive areas noted were the backs of both front legs, especially in the pocket and the bulb of the heels. It was concluded that 3 of the 8 horses were sore, 1 was questionable, and 4 were considered not sore. There were some discrepancies among veterinarians, but after overall evaluations, only 1 horse which was questionable created the controversy, due more to the behavior of the horse.

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EXHIBIT 18

9246 E Madera Dr.
Sierra Vista AZ 85650
(520) 378-2017

December 22, 2013

Congressman Ed Whitfield
2184 Rayburn House Office Building
Washington, D.C. 20515

Dear Sir;

As you read this letter, there are Tennessee Walking Horses standing with their hooves nailed on stacks that contort their joints into unnatural angles, causing constant pain. They try to stop the pain by shifting their weight to their back legs, but that makes those joints hurt, too. They lay down, but only for short periods of time because the horse's body wasn't made for prolonged recumbence. It's been compared to a woman wearing high heels, but that comparison only works if you nail the heel to her feet then refuse to allow her to sit or lie down for more than a few minutes at a time.....for years.....while she is forced to go running four or five days a week...carrying twenty percent of her body weight on her back.

As if that weren't enough, people routinely come and paint the horse's pasterns with caustic chemicals, then wrap them in saran wrap and heavy cotton wraps. The chemicals make the skin tender and cause more pain in the deep tissues, pain the horse cannot escape. Then they take the horse out of his stall, add chains to his pasterns, and ride him with the chains flopping against the tenderized skin, the tortured joints hitting the ground and supporting the weight and speed of horse and rider with a pound, pound, pound at each step.

This is the traditional training technique for the big lick Tennessee Walking Horse, also known as the Performance horse. The pain in the front causes a shift of weight to the back, which is desirable, and the pain of the chains causes a lift to the front legs which is also desirable. It's all done for the glory and blue ribbons, and it's all at the expense of the horse. How do I know this? I used to do it, that's how.

I was raised riding these horses and watching the "training" methods. I saw the chemicals applied, mostly oil of mustard and diesel fuel. I saw the heavy chains used and the horses that had to be whipped to get them out of their stalls. I learned not to touch the pasterns because the horse might (and one time did) fall from the pain of my touch. I was taught that it's just the way the horse pays for its keep, the price of being fed and watered and given a warm stall. And I believed it. Kids are like that. The big lick has taught generations that their joy and pride are worth the torture of the horse, that causing gratuitous pain to another creature is okay as long as you win a ribbon. I'm pretty sure that's not the lesson my parents intended me to take from the show ring, but that's the one that hundreds of kids DO take. I only stopped allowing my horses to be sore when I realized that my children would learn this, and that was not something I wanted to happen.

The Walking Horse industry touts its own inspection program and a 98% compliance rate. This is fiction. The pain in the joints caused by stacks isn't even detectable during the usual inspection. The chemical soring occurs back at the barn days before inspection and can be covered up with local anesthetics. The stacks themselves cover evidence of sharp objects placed between them and the hoof. For every horse found to be sore, hundreds are sore but pass the inspection process. The practice of soring is so common that, in my thirty years in the horse show business, I only knew two trainers that I knew would not sore a horse.

Fifteen years ago I spoke out publically against soring in an article in the Nashville Tennessean. At the time I had just resigned as Vice President of the Tennessee Walking Horse Breeders' and Exhibitors' Association. I hoped my stand might have guided the industry towards safe, humane methods of training, but I was wrong. Today I speak up again because the best hope for the horses is here in the PAST Act, also known as HR 1518 and S 1406. This would ban the use of the stacks and chains on Walking Horses, among others, in the show ring and make arrangements for more stringent methods of inspection.

The chains and stacks have to go because the Walking Horse industry has proven itself incapable of using them responsibly. Having horses flat shod would ease the strain on the joints and the pain that accompanies it as well as making pressure shoeing more difficult to hide. Banning the use of chains would make the use of chemicals easier to detect. Putting the inspection process in the hands of the USDA would mean that the inspectors would actually want to find violators rather than colluding with the industry in hiding the practice. Released from the ball and chain of soring, the Walking Horse could take its place among the great horse breeds of the world. The current dwindling show circuits would prosper and the markets of Europe and South America would open to our horses. More importantly, future generations of children would be taught that enjoying animals and using animals need not mean torturing animals.

Thank you for putting forth the PAST Act. The PAST Act is good for the Tennessee Walking Horse, good for future generations of horsemen, good for the country and, quite simply, the right thing to do. If I can help in any way please feel free to contact me.

Sincerely,

Pamela B. Reband MD

Pamela Reband MD
Member, Board of Directors, TWHBEA
Recipient of National Walking Horse Association Phoenix Award
Former Vice President TWHBEA
Former Member Board of Directors, National Walking Horse Association
Former President, Kentucky Stallion Owners Association

EXHIBIT 19

Scientific Justification for a Ban on Action Devices and Stacked Shoes

The USDA put the Big Lick 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 the industry were unable to establish an effective self-regulatory system to end soring within a reasonable length of time.¹ 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.”² **Soring persists in the Big Lick Walking Horse show circuit, and a ban on stacked shoes and chains is now overdue.**

Stacks and Chains Harm Horses’ Hooves and Legs

Studies conducted in 1975 and 1982 (the “Ames” and “Auburn” studies, respectively) are frequently cited by those who want to preserve the status quo and continue soring horses, but they mischaracterize the findings of the research. In fact, these early studies and subsequent work indicate that stacks and chains are indeed harmful to horses.

The Ames study found that the use of weighted shoes and action devices produces inflammation, shown by increased temperature in the affected area.³ In 2013, the USDA presented the results of its technology studies using state of the art equipment, including digital radiography, iris scanning and thermography; images using its technology indicated that the flexor tendons affected by raising or lowering the heels show clear signs of inflammation.⁴

The Auburn study found that raising a horse’s heels only 8 degrees has been shown to cause horses to tire and stumble easily.⁵ According to Olin K. Balch, DVM, MS, PhD, in a 2009 presentation, “weighted shoes alter the landing orientation of the pastern and the hoof at the time of initial ground contact. The irregular positioning at initial ground contact may help explain the high incidence of ringbone and sidebone [injuries] historically described in gaited show horses.”⁶ Likewise, Deb Bennett, PhD, of the Equine Studies Institute, noted: “With or without extra weight, concern for injury applies to the use of stacks, because the unnatural postures and movements created strain the bones, connective tissues and joints of the horses, especially at the already vulnerable growth plate....The stress on the bones and joints of skeletally immature horses from moving in stacks and heavily weighted shoes increases the likelihood of injury.”⁷

According to the Ames study, horses also develop lesions of varying severity, from simple hair loss and reddening with temperature increase confined to the area of the lesion in the area of the action device, to a highly irritated lesion with bleeding and the spreading inflammation to surrounding tissues with an increase in temperature over a wider area; and horses with “high action” (a more pronounced high-stepping gait) were more apt to develop lesions while wearing action devices.⁸ The Auburn study also found that after a week of exercise in chains, horses exhibit hair loss and lesions, and show changes in temperature in the tendon area after only 2 days of exercise with chains.⁹

¹ 44 F.R. 25173.

² 76 F.R. 30867.

³ Nelson, Dr. H.A., DVM, and D.L. Osheim, BA, *Soring in Tennessee Walking Horses: Detection by Thermography*. USDA APHIS, Veterinary Services Laboratories, Ames, Iowa, 1975.

⁴ Tracy Turner, DVM, MS, Use of Imaging to Aid the Enforcement of the Horse Protection Act (Jan. 17, 2014), available at http://www.aphis.usda.gov/animal_welfare/hp/downloads/video/2014-01-17%20USDA%20Horse%20Protection%20Technology%20%20Public%20Webinar.wmv.

⁵ Purohit, Dr. Ram, Associate Professor, School of Veterinary Medicine, Auburn University, *Thermography in Diagnosis of Inflammatory Processes in Horses in Response to Various Chemical and Physical Factors*. USDA, 1982.

⁶ Olin K. Balch, DVM, MS, PhD, Effects of Additional Length and Weight on Forelimb Locomotion (Mar. 20, 2014), available at <http://soundhorseconference.com/GaitedHorseBiomechanics&HoofStructure.html>.

⁷ Deb Bennett, PhD, Equine Studies Institute.

⁸ Nelson and Osheim, 1975.

⁹ Purohit, 1982.

The use of chains may not always produce visible external lesions, but horses exercised in action devices showed a rise of temperature of 3 to 5 degrees in the areas just below the fetlock (ankle area), which become inflamed likely due to the concussive action of the chains.¹⁰ Inflammation and other signs of clinical soreness have been found in horses subjected to the use of chains, even without visible lesions.¹¹

The use of heavy chains creates an altered gait, and also has been found to result in stumbling, reluctance to move, a tendency to shift weight to the hindquarters, and swelling of the tendons.¹² The effects of 6 ounce chains currently legal in the show ring have not been studied. However, chains much heavier than 6 ounces and multiple sets of chains are regularly used in training, and then lighter chains are substituted in the show ring to trigger the conditioned response to the heavier chains. Chain sets are readily available in local tack stores already made up in a variety of weights, and it is routine to see chains of various weights hanging from “chain carts” at horse shows.

Dr. John Haffner, DVM and Vice-President of the Middle Tennessee Academy of Equine Practitioners, explained in a letter endorsing the PAST Act: “The fact is the big lick can only be accomplished by soring. When one soring technique becomes detectable, another one is developed. The big lick is a learned response to pain and if horses have not been sored, they do not learn it. It takes skill to be able to teach a horse the big lick and then determine the proper amount of soring and the proper timing to have a horse ready on a Friday or Saturday night. The horses must have the memory of the pain, but they must also be able to pass inspection. It takes a combination of the built up pads for the weight and the chain to strike against the pastern that has been sored to produce the big lick.”¹³

Dr. Molly Nicodemus of Michigan State University noted: “There is less than a 5% stride difference unless an action device weighs 10 oz or more. A stride difference of less than 5% is not visible to the human eye. This means that the exaggerated gaits of the performance horse must be achieved with something else. That something else is soring. Pads, chains and soring go hand in hand.”¹⁴

In a heartfelt letter voicing support for the PAST Act, a Tennessee woman recalled with horror when her relatives were visiting and she took them to see “our famous Tennessee Walking Horses. Having no Walking Horse connections of my own, I called around for an award winning barn....Every stall was filled with a horse up on stilt-like pads trying (several unsuccessfully) to eat hay off the ground with splayed legs. Though the barn was as clean as a dentist’s office, there were strong strange chemical smells, flesh smells, and unfamiliar equipment hanging outside each stall....Many of the horses’ hooves oozed. The chains and pads were hanging on the walls.”¹⁵

The American Veterinary Medical Association has called for a ban on “action devices and performance packages, which are known to exacerbate or hide signs of soring.” The AVMA states that those opposing such a ban “know that by taking action devices and performance packages away, we remove one more tool from their abusive toolbox.”¹⁶

Stacks and Pads Conceal Soring Injuries

The USDA has demonstrated, with corroborating photographs taken during inspections, how package shoes are used to conceal foreign objects inserted to increase the weight of a performance package or to cause additional pain and pressure in a horse’s foot.¹⁷ The pads also conceal hoof-trimming practices that intentionally increase sensitivity or

¹⁰ Nelson and Osheim, 1975.

¹¹ Nelson and Osheim, 1975.

¹² Nelson and Osheim, 1975.

¹³ John C. Haffner, DVM, ABVP(Eq), letter to Representative Ed Whitfield (November 25, 2013).

¹⁴ Molly Nicodemus, PhD, head researcher for Gaited Horse Locomotive Research Program, Assistant Professor, Mississippi State University, Gait Analysis: Opening the Door to Understanding the Gaited Horse, (Mar. 20, 2014), available at <http://soundhorseconference.com/GaitedHorseBiomechanics&HoofStructure.html>.

¹⁵ Melissa Hefferlin, letter to Representative Ed Whitfield (December 15, 2013).

¹⁶ Whitney Miller, DVM, Assistant Director, AVMA Governmental Relations Division, H.R. 4098: Not a solution for America’s walking horses (February 27, 2014), available at http://atwork.avma.org/2014/02/27/h-r-4098-not-a-solution-for-americas-walking-horses/?utm_source=at-work-subscription&utm_medium=email&utm_campaign=gen.

¹⁷ Tracy Turner presentation.

pain in the feet.¹⁸ Pads obscure the sole of a horse's foot, preventing inspectors from identifying inflammation and soreness in the sole area through manual inspection, thermography, or other means.¹⁹ According to Dr. Tracy Turner in his presentation of inspection protocols on behalf of the USDA, when pads are present, inspectors would need to use digital radiography on every horse's feet or remove all pads before inspection to accurately detect instances of soring through pressure shoeing.²⁰ Such procedures are costly and time-consuming; a far more practicable approach is to simply ban the use of performance packages for the 3 breeds known to be subjected to soring using these devices. This would further address the fact that even if a horse undergoes a digital radiograph of the feet to identify foreign objects concealed by the package, the pads prevent inspectors from checking for inflammation or painful responses indicative of soring, including in cases where a foreign object has been removed prior to inspection.

Farrier Eric Gray related the following in a letter in support of the PAST Act: "I worked on a horse whose entire sole had detached. His trainer didn't want to miss a horse show and built a fake sole out of Equilox, replacing the shoe over it. The horse was brought to me, with the fake sole still in place, two weeks after the owner had taken the horse away from the trainer for subpar performance. By that time half the digital cushion had been eaten away by infection and the coffin bone was exposed."²¹

Action Devices Exacerbate Harmful Chemicals Used in Soring

According to the American Horse Council, action devices, chains, and pads should be banned from use in the three breeds known to be subjected to soring, because the devices are used to sore horses, "usually in conjunction with chemical irritants or substances."²²

Former Vice President of the Tennessee Walking Horse Breeders and Exhibitors Association Pam Reband, MD, explained in a letter of support for the PAST Act: "It's been compared to a woman wearing high heels, but that comparison only works if you nail the heel to her feet then refuse to allow her to sit or lie down for more than a few minutes of time...for years...while she is forced to go running four or five days a week...carrying twenty percent of her body weight on her back. As if that weren't enough, people routinely come and paint the horse's pasterns with caustic chemicals, then wrap them in saran wrap and heavy cotton wraps. The chemicals make the skin tender and cause more pain in the deep tissues, pain the horse cannot escape. Then they take the horse out of his stall, add chains to his pasterns, and ride him with the chains flopping against the tenderized skin, the tortured joints hitting the ground and supporting the weight and speed of horse and rider with a pound, pound, pound at each step....How do I know this? I used to do it, that's how....The Walking Horse industry touts its own inspection program and a 98% compliance rate. This is fiction....For every horse found to be sore, hundreds are sore but pass the inspection process."²³

Barney Davis, a former Tennessee Walking Horse trainer who pled guilty to several violations of the Horse Protection Act in 2012, noted, "The purpose of putting the chemicals on the pastern is... it makes the horse walk, deep walk, real deep behind....I mean it hurts the horse. And then you put the chain on top of the sore and that makes it all work....If you didn't use a chain, you wouldn't have no purpose for the chemicals....Without some type of sorin' the horse, they're not gonna do the big lick." And further, "the only way you are going to get the soring stopped is to get the pads and the chain. That's the only way....They've got to have the pads and the chain to do the soring."²⁴

¹⁸ Tracy Turner presentation.

¹⁹ Purohit, 1982.

²⁰ Tracy Turner presentation.

²¹ Eric Gray, farrier, letter to Representative Ed Whitfield (January 16, 2014).

²² American Horse Council, "Prevent All Soring Tactics Act of 2013 (H.R. 1518) Frequently Asked Questions." Available at <http://www.horsecouncil.org/sites/default/files/FAQs%20HPA%20Letterhead.pdf>.

²³ Pamela Reband, MD, Member, TWHBEA Board of Directors and former Vice President, former Member, National Walking Horse Association Board of Directors and recipient of NWHF Phoenix Award, former President, Kentucky Stallion Owners Association, letter to Representative Ed Whitfield (December 22, 2013).

²⁴ Barney Davis, interview available at

http://www.humanesociety.org/news/press_releases/2012/08/exclusive_barney_davis_video_082812.html.

EXHIBIT 20

DECEMBER 12, 2012

New Poll Shows Voters in Tennessee and Kentucky Overwhelmingly Support Bill to Strengthen the Horse Protection Act

Legislation would address the widespread abuse in Tennessee walking horse industry

A new poll conducted by Mason-Dixon Polling & Research reveals statewide voters, by a more than 5-to-1 margin in Tennessee and a more than 3-to-1 margin in Kentucky, overwhelmingly support stronger legislation to prevent the cruel practice of horse “soring,” the painful application of chemicals or other training methods to force the animals to perform an artificially high-stepping gait—known as the “Big Lick”—for show competitions.

Members of Congress from Kentucky and Tennessee recently introduced H.R. 6388, the Horse Protection Act Amendments of 2012, which would end the current, failed system of industry self-policing, ban the use of chains and stacks (devices implicated in the soring process) on horses at shows, and increase penalties for violating the law. The legislation has the support of The Humane Society of the United States, other national animal protection and horse industry organizations, as well as the American Association of Equine Practitioners and the American Veterinary Medical Association.

The poll found that 75 percent of Tennessee voters and 69 percent of Kentucky voters support the federal legislation to strengthen the Horse Protection Act, with only 14 percent in Tennessee and 19 percent in Kentucky opposing the bill. Large majorities in all demographic groups and party affiliations support the legislation. In addition, voters polled in Tennessee (62 percent to 26 percent) and in Kentucky (45 percent to 36 percent) support legislation at the state level making the act of soring a felony offense.

“These poll results clearly indicate that in the heart of Tennessee walking horse country, the public strongly supports legislation to crack down on the corrupt ‘Big Lick’ industry and its widespread practice of horse soring,” said Keith Dane, director of equine protection for The HSUS. “Abusing horses for the sake of a blue ribbon is cruel, and the majority of voters have expressed their disdain for this industry by saying they would avoid ‘Big Lick’ events altogether.”

The poll results also show that Tennessee and Kentucky voters, by about a 3-to-1 margin, would avoid buying from companies providing financial sponsorship to horse shows that promote “Big Lick” horses. And by a more than 2-to-1 margin, voters in both states said they would avoid attending a competition where they knew horses would be wearing chains and tall, heavy stacks or pads.

The survey of 625 registered Tennessee voters and 625 registered Kentucky voters interviewed statewide was conducted by Mason-Dixon Polling & Research, Inc., from Dec. 3 through Dec. 5, 2012. The margin of error is

plus or minus 4 percent. The full survey results from both states are below.

TENNESSEE RESULTS

QUESTION:

Tennessee Walking Horses are known for their high-stepping gait, called the “Big Lick.” To make the horses lift their legs high in the air, trainers often use a practice called “soring” which means burning a horse’s forelegs with caustic chemicals, cutting the horse’s hoof painfully short, or using bolts, blocks or other devices to inflict pain to the sole of the horse’s foot.

Were you aware or not aware of the details of this practice known as “soring”?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
YES	59%	61%	56%	56%	56%	63%
NO	41%	39%	44%	44%	44%	37%

QUESTION:

Chains and chemicals are often used in soring horses’ legs. Instead of wearing regular horseshoes, the feet of “Big Lick” horses are fitted with tall, heavy stacks of pads to accentuate their gait. These “stacks” force the horses to stand at an unnatural angle, much like wearing high heel platform shoes all day, every day – even when not performing.

If you were aware that horses were wearing this equipment to perform at an event, would you avoid attending it, or not?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
YES	62%	59%	64%	57%	59%	68%
NO	24%	24%	24%	32%	26%	15%
NOT SURE	14%	17%	12%	11%	15%	17%

QUESTION:

A bill recently introduced in Congress, H.R. 6388, the Horse Protection Act Amendments of 2012, would strengthen the law against horse soring. It would end the system of industry self-policing, ban the use of chains and stacks which have been implicated in soring, increase penalties, and hold accountable all those involved in this practice.

Would you support or oppose this federal legislation?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
SUPPORT	75%	70%	80%	74%	74%	77%
OPPOSE	14%	14%	14%	17%	18%	8%
UNDECIDED	11%	16%	6%	9%	8%	15%

QUESTION:

Would you support or oppose state legislation that would make the act of soring a felony?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
SUPPORT	62%	56%	67%	70%	53%	64%
OPPOSE	26%	31%	21%	19%	36%	19%
UNDECIDED	12%	13%	12%	11%	11%	17%

QUESTION:

Horse shows that promote “Big Lick” events rely on corporate sponsorship to make a profit. Some major corporations, including Pepsi and Ford, have already withdrawn their sponsorship from major Tennessee Walking Horse events due to evidence that cruel methods are used to produce the exaggerated “Big Lick” gait.

Would you buy from companies or avoid buying from companies that provide financial sponsorship to horse shows that promote “Big Lick” horses?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
BUY FROM	18%	28%	7%	10%	23%	18%
AVOID	62%	49%	76%	75%	57%	58%
NOT SURE	20%	23%	17%	15%	20%	24%

KENTUCKY RESULTS

QUESTION:

Tennessee Walking Horses are known for their high-stepping gait, called the “Big Lick.” To make the horses lift their legs high in the air, trainers often use a practice called “soring” which means burning a horse’s forelegs with caustic chemicals, cutting the horse’s hoof painfully short, or using bolts, blocks or other devices to inflict pain to the sole of the horse’s foot.

Were you aware or not aware of the details of this practice known as “soring”?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
YES	29%	39%	18%	28%	30%	20%
NO	71%	61%	82%	72%	70%	80%

QUESTION:

Chains and chemicals are often used in soring horses’ legs. Instead of wearing regular horseshoes, the feet of “Big Lick” horses are fitted with tall, heavy stacks of pads to accentuate their gait. These “stacks” force the horses to stand at an unnatural angle, much like wearing high heel platform shoes all day, every day – even when not performing.

If you were aware that horses were wearing this equipment to perform at an event, would you avoid attending it, or not?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
YES	58%	49%	68%	56%	58%	78%
NO	26%	36%	15%	27%	25%	20%
NOT SURE	16%	15%	17%	16%	17%	2%

QUESTION:

A bill recently introduced in Congress, H.R. 6388, the Horse Protection Act Amendments of 2012, would strengthen the law against horse soring. It would end the system of industry self-policing, ban the use of chains and stacks which have been implicated in soring, increase penalties, and hold accountable all those involved in this practice.

<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>

SUPPORT	69%	55%	83%	73%	61%	80%
OPPOSE	19%	35%	4%	18%	21%	20%
UNDECIDED	12%	10%	14%	9%	18%	---

QUESTION:

Would you support or oppose state legislation that would make the act of soring a felony?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
SUPPORT	45%	38%	52%	46%	44%	47%
OPPOSE	36%	50%	22%	35%	37%	33%
UNDECIDED	19%	12%	26%	19%	19%	20%

QUESTION:

Horse shows that promote “Big Lick” events rely on corporate sponsorship to make a profit. Some major corporations, including Pepsi and Ford, have already withdrawn their sponsorship from major Tennessee Walking Horse events due to evidence that cruel methods are used to produce the exaggerated “Big Lick” gait.

Would you buy from companies or avoid buying from companies that provide financial sponsorship to horse shows that promote “Big Lick” horses?

	<u>STATE</u>	<u>MEN</u>	<u>WOMEN</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>
BUY FROM	23%	38%	9%	22%	24%	29%
AVOID	63%	54%	71%	65%	59%	69%
NOT SURE	14%	8%	20%	13%	17%	2%

Background:

Last week, The HSUS asked 11 Tennessee District Attorneys General to acquire and test all “foreign substance swab samples” collected from Tennessee walking show horses during 2012 and to prosecute violations of state animal cruelty laws.

An HSUS undercover investigation led to a 52-count indictment of notorious Tennessee Walking Horse Hall of Fame trainer Jackie McConnell, who pleaded guilty to one count of felony conspiracy to violate the Horse Protection Act, and three of his associates. In September, a federal court sentenced him to three years of probation and a \$75,000 fine. McConnell also faces prosecution for violations of the Tennessee animal cruelty statute.

USDA’s Animal and Plant Health Inspection Service conducted random testing at various Tennessee walking horse competitions, and the results indicate that a shocking 97.6 percent of the samples tested positive for prohibited foreign substances in 2011. In 2010, 86 percent of samples tested positive. These prohibited substances included numbing agents and drugs that mask evidence of abuse.

The HSUS filed a legal petition asking USDA to treat the use of illegal numbing or masking chemicals on horses’ legs as a felony under the Horse Protection Act.

H.R. 6388, the Horse Protection Act Amendments of 2012, sponsored by Reps. Ed Whitfield, R-Ky., and Steve Cohen, D-Tenn., will end the failed system of industry self-policing, ban the use of certain devices associated with soring, strengthen penalties, and hold accountable all those involved in this cruel practice. The HSUS urges Congress to pass this bill, which now has 53 co-sponsors in the House.

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EXHIBIT B

Entries at 2016 Horse Events Attended by VMOs

Event	CITY	STATE	PADDED	FLATSHOD	TOTAL	HIO	BREED 1	BREED 2
RHBAA Celebration HP Activity Report	Decatur	AL	133	138	271	RHBAA	Racking Horse	
TWHBEA National Futurity HP Activity Report	Shelbyville	TN	29	72	101	SHOW	Tennessee Walking Horse	
78th Annual TWH National Celebration HP Activity Report	Shelbyville	TN	1538	419	1957	SHOW	Tennessee Walking Horse	
Central KY Racking Championship HP Activity Report	Liberty	KY	12	96	108	KY	Racking Horse	
National Breeders Championship VMO Nightly Report	Springfield	MO	0	184	184	MFHBA	Missouri Fox Trotter	
110th Wartrace Horse Show HP Activity Report	Wartrace	TN	74	42	116	SHOW	Tennessee Walking Horse	
10th ETWHA Ladies Auxiliary Walking and Racking Horse Show HP Activity Report	Newport	TN	88	62	150	KY	Tennessee Walking Horse	Racking Horse
Belfast TWHBEA 55th Lions Club HP Activity Report	Belfast	TN	105	17	122	SHOW	Tennessee Walking Horse	
35th Annual Fayetteville Blue Ribbon Horse Show HP Activity Report	Fayetteville	TN	71	39	110	SHOW	Tennessee Walking Horse	
38th Annual Pleasure and Colt Championship HP Activity Report	Murfreesboro	TN	0	164	164	WHOA	Tennessee Walking Horse	
27th Annual NSSHA Mid-Season Horse Show HP Activity Report	Manchester	TN	0	58	58	DQPS	Tennessee Walking Horse	
Gallatin Memorial Walking Horse Show HP Activity Report	Gallatin	TN	127	22	149	SHOW	Tennessee Walking Horse	
Marshall County Horseman's Assoc. Horse Show HP Activity Report	Lewisburg	TN	158	34	192	SHOW	Tennessee Walking Horse	

Red Carpet Horse Show of the South HP Activity Report	Pulaski	TN	181	2	183	SHOW	Tennessee Walking Horse	
Cornersville Lions Club HP Activity Report	Cornersville	TN	111	15	126	SHOW	Tennessee Walking Horse	
59th Tollesboro Lions Club HP Activity Report	Tollesboro	KY	0	67	67	KY	Tennessee Walking Horse	
Franklin County Fair HP Activity Report	Franklin	KY	6	33	39	KY	Tennessee Walking Horse	
17th Annual Parker's Crossroads HP Activity Report	Parker's Crossroads	TN	43	29	72	RHBAA	Tennessee Racking Horse	
25th Annual Arab Parks and Recreation HP Activity Report	Arab	AL	39	22	61	SHOW	Tennessee Walking Horse	
Owingsville Lion's Club HP Activity Report	Owingsville	KY	25	67	92	KY	Tennessee Walking Horse	
Woodbury Lion's Club HP Activity Report	Woodbury	TN	187	66	253	SHOW	Tennessee Walking Horse	
Wayne County Fair HP Activity Report	Monticello	KY	15	41	56	KY	Tennessee Walking Horse	
Money Tree Classics HP Activity Report	Bedford	TN	193	76	269	SHOW	Tennessee Walking Horse	
Christmas in July HP Activity Report	Bedford	TN	170	84	254	SHOW	Tennessee Walking Horse	
Buffalo Saddle Club HP Activity Report	Buffalo	MO	15	118	133	MFHBA/F	Tennessee Walking Horse	Missouri Fox Trotter
41st Annual Chester Hill Charity Show HP Activity Report	Dandridge	TN	119	72	191	KY	Tennessee Walking Horse	
WHAA Summer Classic HP Activity Report	Arab	AL	90	34	124	RHBAA	Tennessee Racking Horse	
50th Savannah Lions Club Horse Show HP Activity Report	Savannah	TN	43	39	82	RHBAA	Tennessee Walking Horse	
47th Annual East TN HP Activity Report	Gray	TN	55	29	84	KY	Tennessee Walking Horse	

1st Annual Walking For Hope Horse Show HP Activity Report	Stanford	KY	68	53	121	KY	Tennessee Walking Horse	
17th Annual Liberty Lions Club HP Activity Report	Shelbyville	TN	101	27	128	SHOW	Tennessee Walking Horse	
32nd Annual Smoky Mountain HP Activity Report	Sevierville	TN	39	30	69	KY	Tennessee Walking Horse	
8th Annual Lions Club HP Activity Report	Lawrenceburg	TN	58	24	82	RHBAA	Tennessee Walking Horse	
HAWHA Spring Classic HP Activity Report	Springfield	MO	44	42	86	HAWHA	Tennessee Walking Horse	
Old Dominion Gaited Horse Show HP Activity Report	Lexington	VA	0	250	250	WHOA	Tennessee Walking Horse	
Triple-M Farms Horse Sale HP Activity Report	Shelbyville	TN	15	0	15	RHBAA	Tennessee Walking Horse	
Eastern KY Walking and Racking Horse Association 27th Annual Celebration HP Activity Report	Prestonburg	KY	28	81	109	KY	Tennessee Walking Horse	Racking Horse
46th Annual Spring Fun Show HP Activity Report	Shelbyville	TN	286	101	387	SHOW	Tennessee Walking Horse	
WHOA Versatility Horse Show HP Activity Report	Murfreesboro	TN	0	159	159	WHOA	Tennessee Walking Horse	
Petersburg Lions Club HP Activity Report	Petersburg	TN	112	30	142	SHOW	Tennessee Walking Horse	
WHOA Pleasure Jamboree HP Activity Report	Murfreesboro	TN	0	160	160	WHOA	Tennessee Walking Horse	
NSSHA Spring Show HP Activity Report	Murfreesboro	TN	0	101	101	DQPS	Tennessee Spotted Saddle Horse	
NC Ladies Auxiliary Horse Show HP Activity Report	Dallas	NC	30	55	85	KY	Tennessee Walking Horse	
58th Annual Manchester Lions Club Horse Show HP Activity Report	Manchester	TN	59	12	71	SHOW	Tennessee Walking Horse	

79th Annual West TN Strawberry Festival HP Activity Report	Humboldt	TN	70	29	99	RHBAA	Tennessee Walking Horse	
SSHBEA Spring Show HP Activity Report	Shelbyville	TN	0	41	41	WHOA	Spotted Saddle Horse	
17th Annual Christ Central School Horse Show HP Activity Report	Prestonburg	KY	19	2	21	KY	Tennessee Walking Horse	
52nd Annual Walton Co Show HP Activity Report	Monroe	GA	27	11	38	KY	Tennessee Walking Horse	
KWRHTA Derby Classic HP Activity Report	Harrodsburg	KY	99	94	193	KY	Tennessee Walking Horse	Racking Horse
The 43rd Upper Cumberland High Point Show HP Activity Report	Cookeville	TN	52	52	104	SHOW	Tennessee Walking Horse	
The FAST Spring Showcase HP Activity Report	Shelbyville	TN	122	36	158	SHOW	Tennessee Walking Horse	
RHBAA Spring Celebration HP Activity Report	Decatur	AL	168	111	279	RHBAA	Racking Horse	
Amazing Gaits NWA Regional Championship HP Activity Report	Theodore	AL	0	191	191	NWA	Tennessee Walking Horse	
18th Annual Gulf Coast Trainer's Charity Show	Panama City Beach	FL	167	55	222	SHOW	Tennessee Walking Horse	
Racking Horse Spring Show	White Pine	KY	0	103	103	KY	Racking Horse	
Cajun Classic Horse Show	Monroe	LA	82	106	188	SHOW	Tennessee Walking Horse	
SC Walking Horse Ladies Auxiliary Cancer Benefit Horse Show	Clemson	SC	65	87	152	KY	Tennessee Walking Horse	
MS Charity Horse Show	Jackson	MS	238	48	286	SHOW	Tennessee Walking Horse	
48th Annual Walking Horse Trainer's Show	Shelbyville	TN	297	125	422	SHOW	Tennessee Walking Horse	
Laurel Charity Walking Horse Show	Laurel	MS	56	19	75	SHOW	Tennessee Walking Horse	
Carousel Charity Horse Show	Scottsdale	AZ	0	10	10		Tennessee Walking Horse	

Total all shows	5929	4386
% all shows	0.574794	0.425206011
Without Celebration	4391	3967
% Without Celebration	0.525365	0.47463508
Without 8 shows in Shelbyville, TN	3541	3565
% Without 8 shows in Shelbyville, TN	0.498311	0.501688714
8 shows in Shelbyville, TN only	2388	821
% 8 shows in Shelbyville, TN only	0.744157	0.255842942
Celebration only:	1538	419
% for Celebraion:	0.785897	0.214103219

EXHIBIT C

Introduction:

From the beginning of the Horse Protection Act, the objective detection of horses with open, bloody lesions presented no particular problem in identifying the results of soring but, when those obvious lesions disappeared, identifying a sore horse became, as the industry would have the public believe, subjective and thus questionable. It was apparent as early as 1975 that the USDA would be challenged concerning its enforcement efforts by a hostile performance horse industry and that scientific proof used to measure and record the results of soring through any means, including shoeing practices and action devices, would be required. The argument has raged since the 1950s and has become increasingly vitriolic in the 21st century.

Supporters of full enforcement of the Horse Protection Act believe that the PAST Act must be enacted in order to amend the Act, removing built- up and heavily weighted shoes, as well as chain action devices, which when used in combination with other illegal means directly contribute to a sore horse and thus produce an unnatural gait. They assert that both shoes and action devices play a critical role in the exhibition of walking horses that are trained sore at the barn and that the big lick horse is the final product of illegal, inhumane and abusive training and shoeing practices.

Supporters of the big lick contend that the big lick is a “natural gait” performed by the most talented horses in breeds specifically bred over the years to have the capability of producing bigger and more exaggerated gaits.

Individuals actively involved in the performance horse industry have, from the beginning of active inspection enforcement to the present, decried what they describe as the lack of scientific, objective testing in determining whether or not horses are “sore” or “scarred” as the terms are defined under existing law.

They assert that there is no scientific evidence that built- up and/or heavily weighted shoes and action devices of six ounces, the weight limit presently legal for showing, devices more commonly known as “pads and chains”, are harmful to horses. They have used that argument in combination with political support from representatives and senators to turn back any attempt to remove these devices from horses.

In opposition, those involved in the humane movement, and more recently by the American Horse Council, the AVMA and the AAEP, maintain that such devices, in addition to producing highly exaggerated and unnatural gaits that are pain based, are incompatible with animal welfare and that the illegal action of soring horses for the purpose of exhibition continues to be done and must be brought to an end.

They cite as evidence of the ongoing activity the USDA’s own discovery of sored horses at shows HPA when VMOs are on the scene in comparison with the violation rates found when inspections are conducted by industry observers alone. Over the past five years, while USDA inspectors were present at only 10% of the shows, industry inspectors issued over 60% of HIO violations only when under direct supervision by the USDA.

The evidence of an ongoing pattern of callous disregard for the law, occurring primarily in the so-called big lick segment of the show horse business, is further supported by evidence of prohibited foreign substances, including masking agents intended to dull pain and others

intended to avoid detection by thermography, that are routinely found on horses now randomly sampled by the USDA.

Further, veterinarian organizations are now on record describing the big lick horse as the product of a “culture of abuse”. According to the AVMA, using USDA statistics from 2013, 88% of the violations discovered by Horse Industry Organizations (HIOs) were issued to big lick horses, with flat shod horses, wearing weighted shoes, representing an 11% violation rate. The AAEP also is on record saying that there are persistent indications that soring remained an active problem in high performance show horses.

Historically, the big lick culture has resisted and successfully fought back attempts over many years to end the practice of soring. Instead, an uneasy stalemate of settling, with varying degrees of success to regulate the illegal activity, exists with the USDA and animal welfare advocates on one side of the divide and the industry and its backers in Congress on the other.

Now, however, with public opinion alerted to the problem of soring in these breeds and the assertion that pads and chains themselves are contributory to the process, the small big lick segment of these breeds are attempting to turn back efforts to remove these devices from these specific breeds, the only breeds where soring as defined by law has been proven to be an ongoing problem. They maintain they must retain both pads and action devices in order to “save” their self-described show horse and are vocal about the economic damage that the removal of these devices would cause to big lick owners, exhibitors and trainers, saying that this is yet another reason why the PAST Act must not be enacted.

The argument that pads and chains must be retained in order to prevent economic hardship to private parties has already been addressed in 2007 in HPA Docket 08-0007 when the administrative law judge wrote: “ **The general rule is that the federal government may not be equitably estopped from enforcing public laws, even though private parties may suffer hardship as a result in particular cases.**”

As early as 1970, the federal law envisioned the inclusion of built-up shoes and action devices as mechanical devices that could legally be included in an understanding of soring. (*N.B. At the time of the passage of the HPA, flat shod horses were not shown in heavily weighted shoes but were shod as most using horses of the time were shod. Had the current status of shoeing in some segments of the flat shod horse been in effect in 1970 it can be argued that the law at that time would have included the phrase heavy weighted shoes to include flat shod horses as is now envisioned by the proposed PAST Act.*) In HPA Docket 09-0007 the administrative judge wrote: “the inclusion of congress passed the Horse Protection Act in 1970, finding that the practice of deliberately injuring show horses to improve their performance was “cruel and inhumane.” 15 U.S.C. § 1822(1). Known as “soring,” **the technique employed included fastening action devices, such as chains or padded shoes to the horses’ limbs or forefeet** and/or applying caustic or irritating chemicals or solutions to their forefeet.

As methods of soring and shoeing horses for performance have become more sophisticated and made detection more contentious, it is self-evident that any tools that assist individuals in continuing these practices, harming horses for the purpose of entertainment, must be removed from the mix. These tools and devices include built-up shoes, action devices, hoof bands, and heavily weighted flat shoes whose only purpose serve to exaggerate gait.

The Role of the USDA in Science Based Studies Related to Soring

The USDA has, from the beginning of the Horse Protection Act, funded and supported scientific testing to detect soring. The resulting evidence from three of these studies has been part of the continuum of enforcing the Horse Protection Act. A review of the evidence refutes many of the long-standing claims of the performance horse industry when viewed in the totality and commonality of the results of the studies over a period of years.

In 1975 two researchers, Dr. H. A. Nelson and D.L. Osheim of the United States Department of Agriculture Animal and Plant Health Inspection Service Veterinary Services Laboratory in Ames, Iowa, produced a study entitled Soring in Tennessee Walking Horses: Detection by Thermography.

From 1978 through 1982, Dr. Ram Purhoit and his team at the School of Veterinary Medicine, Auburn University, worked on a long term study, commissioned by the USDA, that addressed shoeing, action devices, chemical soring and combinations of techniques in Tennessee Walking Horses used for the big lick. This multi-year exploration is commonly known as the Auburn Study.

In 2013 the USDA, after commissioning equine lameness expert Dr. Tracey Turner to conduct research, including field studies of thermography, as a means of detecting soring in walking horses as well providing corresponding information regarding thermography in detecting prohibited types of scars brought about through soring activities, produced a presentation that has been used to educate the general public about the use of thermography as an objective way of supporting digital palpation and visual identification of horses that are in violation of the federal Horse Protection Act.

More compelling than the pro and con arguments from either side of the soring controversy is the pro forma case against chemical and mechanical soring that is made by tracing the commonality in findings of almost 40 years of study on the subject of chemical agents, shoeing practices and action devices used to produce the so-called “big lick”. A review of those studies illustrates that the arguments against the big lick horse and its shoeing and action device practices have been part of both discussion and agreement in findings since the mid 1970s.

The Ames Study

Introduction

In 1975, Dr. Nelson, in the introduction to his study, stated “ the reason for deliberately causing pain to horses was hard to comprehend. The practice of soring evolved as a means of making a horse perform beyond its natural ability and to speed up the training process without time in the saddle. “

Observing that it is difficult for people who respect and value animals to comprehend that people would intentionally harm them simply in order to win prizes at horse shows, Dr.

Nelson wrote that the practice of soring “**evolved as a means of making a horse perform beyond its natural ability and to speed up the training process without time spent in the saddle.**”

In essence, in the earliest days of the Horse Protection Act, Dr. Nelson put on record that the desire of trainers, owners and exhibitors of horses to win and their willingness to take shortcuts to do so, in addition to their support of an unnatural gait that exceeded the natural ability of the horse to perform it, resulted in purposeful abuse for walking horses intended for use in performance classes.

Nelson described soring as “ the deliberate irritation of the pastern area...by chemical and/or mechanical means until these areas become so sore that movement and/or the bearing of weight causes considerable pain to the animal. As a result, the hind feet are placed further forward under the horse so that the rear quarters bear a greater percentage of the body weight. Likewise when the front feet come into contact with the ground, they are hyper-flexed and extended (snapped forward) quickly. This combination results in a long rear stride and a high, far reaching action with the front feet. “

The “performance” horse that Nelson described in 1975 exhibits all the same characteristics as the so-called performance horses of today in the three breeds that would be effected by the passage of PAST or by rulemaking and regulations by the USDA

The action that Nelson described in 1975 is clearly illustrated in the photos below taken in 2013-2014 of horses that technically passed HPA inspections but give every evidence of demonstrating a sore lick as described by Nelson: hyper-flexed and extended, long rear stride, rear quarters bearing a higher percentage of the body weight, high far -reaching action with the front feet.





Nelson then addressed the crux of the matter, writing: “ *In reality, the “Big Lick” should be called the “Sore Lick” because it is performed by a horse which, by all diagnostic criteria, is unsound and unfit to show.*” Not mincing words, Nelson observed, “**long hooves plus pads and weighted shoes aid in this action.**”

Background of the Problem

Dr. Nelson set the stage for his study by giving some history of the walking horse. Paraphrasing his comments, Nelson observed that the gaits of walking, and by extension today racking and spotted saddle horses, were designed for comfort for the rider and to be ground covering, a value in horses used as all around mounts that could work the farm, be driven in a buggy, ridden as a saddle horse and yes, even shown in competition where style combined with natural ability was prized by the early breeders.

At some point in time, however, when the natural limits of the horse were reached, the appetite for an even bigger lick continued to increase. Man reached into his toolbox to produce in the horse what nature could not do. Soring and aggressive shoeing became an accepted part of the training the Big Lick walking horse.

Today, these methods have spilled over to the racking and spotted saddle horse breeds as trainers have moved between the breeds. It also became an acceptable part of owning and training these breeds to deny that there was any chemical or mechanical interference involved and after the Horse Protection Act was passed, to fight any attempts to end these practices.

The Purpose of Soring and Its Cardinal Signs

According to the Ames Study, soring accomplished the desired objectives in two ways: “1). To make the horse perform in a manner in which it was not normally capable and 2). To shorten and simplify the training period so a trainer could handle a large number of horses.”

Nelson determined that a severe inflammatory response was caused by the process of soring, including the strains of built up shoeing and the use of a variety of action devices in use at the time, which included then, as is the case now, action devices that might not have been used in the show ring but were used in the process of training in the barns. He postulated the presence of this inflammatory process could be used as a diagnostic aid in assisting with a diagnosis of soring.

As defined in the Ames Study the five cardinal signs of inflammation are:

- 1). Redness
- 2). Swelling
- 3). Heat
- 4). Pain
- 5). Impaired function

Nelson conceded that the signs of clinical inflammation, which are readily and unequivocally detectable, might vary with an individual horse and the degree to which it has been sored. As examples of the difficulties in detecting soring he wrote:

- Redness may be quite visible in a light pigmented horse but almost impossible to detect in a dark pigmented horse.
- Swelling, unless marked, is difficult to detect and to quantify.
- Because pain is difficult to measure and pain responses vary from individual animal to individual animal with some horses, just like people, having a higher tolerance for pain than others, digital palpation may illicit a response in some horses but not in others, even though all of the horses may have been sored.
- A further complication is that the sored horse tends to warm out of severe symptoms after exercise and is usually warmed up sufficiently by the time it is taken to the ring so that the severe signs of lameness/impaired function are not as evident but the degree of soreness responsible for the demonstration of the big lick remains.

Thus, Nelson concluded that the one sign of inflammation that was amenable to a quantitative measure was (and remains) the degree of heat associated with inflammation. “The heat is present in inflammation due to increased blood flow in the area of inflammation and an increased rate of metabolism in the area,” he reported. “ The heat associated with inflammation is most easily detected in body extremities.”

At this early stage in the use of thermography to detect inflammation, Dr. Nelson selected Thermovision 680 with a color monitor to show the actual thermal patterns in the pastern area of the horse. The exact difference in relative temperature from one part to the other and the total temperature variation in the area displayed could be determined by means of color-coded isotherms.

In humans this technology had already been proven in detecting breast cancer, acute infectious processes, and vascular disorders to name a few applications. In veterinary use the machine had been used in a study of inflammation of the superficial flexor tendon in the racehorse. That study demonstrated a consistent thermal pattern was present and that the hair coat did not interfere with the pattern or detection of the pattern.

Results from the Ames Preliminary Feasibility Study

In a preliminary feasibility study two registered walking horses, both who had been sored previously but were not sored for this preliminary study, were used. **The two horses had moderately long hooves, pads and weighted handmade shoes, typical of the shoeing used in performance horses of the time.**

A total of 48 examinations per horse without action devices, defined then as boots or chains were performed after workouts using thermography. Then a total of 98 examinations per horse wearing a variety of action devices, including a 7 oz. chain, (the action device most close to the present day legal action device of 6 oz.) were used. The then in use 16 oz. leather bell boot was employed as were a variety of other boots, rollers, and chains of varying weights and materials.

Nelson found that a consistently similar thermal pattern was present in the two experimental horses, that sweat did not interfere with thermal patterns; that spots or streaks of moisture showed up as cooler areas due to unequal evaporative cooling action; and that wind blowing through the barn caused evaporative effects on thermal patterns when the area was wet.

Interestingly, these environmental distractions shown in Ames, using what is now viewed as primitive thermography technology, are still being quoted by the industry as reasons why today's far more sophisticated and less liable to environmental interference machines can not be depended upon to produce "scientific, objective results" when used in the inspection area.

The Ames Study next used a test group of 37 registered walking horses from a farm where soring was not practiced in order to determine the consistency of thermal patterns in the pastern area of the unsored and clinically sound walking horse. The thermal patterns in the 37 horses of the control group were consistent with the thermal patterns found in the two horses that had been previously sored but were not sored at the time of initial

examination. All of the animals examined were exercised prior to thermographic examination.

The feasibility studies suggested that:

1. Consistent thermal patterns exist in unsored horses
2. Soring significantly altered this thermal pattern
3. Thermography appeared to be a potentially valuable method for detecting soring
4. A comprehensive study of the thermal change caused by chemical and/or mechanical methods of soring was indicated.

Field Trials of the Thermovision 360

In Field Trials of 168 horses the thermography machine used in the Ames Study was taken to three horse shows in various parts of the country and used to supplement routine examinations of horses necessary for the enforcement of the Horse Protection Act. In addition to walking horses, hunters, jumpers, parade horses, hackneys, quarter horses, saddlebreds, Morgans and appaloosas were examined with viewing of the portion of the front limb distal to one knee.

Field Trial Results included:

1. Thermal patterns during the month when no action devices or soring agents were used were found to be basically the same as those observed during the preliminary study.
2. The pattern on the dorsal surface was very characteristic across all breeds.
3. The thermal pattern on the palmar surface of the pastern was also consistent and characteristic.
4. The patterns remain essentially unchanged after exercise except that in very cold weather there was not as distinctive a thermal pattern before exercise and the temperature of the limbs was not always equal.
5. No abnormal thermal patterns were detected in horses that were "clinically sound" with the exception of a jumper that had been "poled" (hit with a rapping pole to encourage jumping) by its owner 30 minutes prior to inspection and a definite change in thermal pattern in one horse presented with an inflammation of the superficial flexor tendon.

Use of Action Devices without chemical compounds results included:

1. Results with action devices did vary considerably according to the device used and the conformation of the horse.
2. Horses with short pasterns were more apt to develop lesions than long pasterned horses.
3. Horses with high action were more apt to develop lesions while wearing action devices.
4. Any protrusions, such as old scars, tended to develop inflammation prior to normal tissue
5. Lesions varied in severity from simple hair removal and reddening of the area with temperature increase confined to the area of the lesion to a highly irritated lesion

- with bleeding and later exudation of serum and the spread of inflammation to surrounding tissues with a diffuse area of temperature increase.
6. Chains under 8 ounces, Thomas boot, or aluminum rollers produced no lesions. The smooth bell boot up to 20 ounces and chains of up to 10 ounces produced mild lesions.
 7. Heavy chains did not always produce visible external lesions but a rise of temperature of 3 to 5 degrees in areas just below the fetlock indicated inflammation, presumably due to the concussive action of the chains.
 8. A definite alteration in gait was present with the heavy bell boots, knocker boots and heavy chains and signs of clinical soreness were present. **These include reluctance to move, tendency to stumble, tenderness of the affected area by palpation, edema of the tendon area and exaggeration of gait with shifting of weight to hindquarters and higher action in front.**
 9. *N.B. these heavier chains described in the Ames study parallel those chains currently being used in training practices for today's performance horses. The use of multiple pairs of chains in training is part of the difficulty in that supporters of the legal chain (6 oz.) maintain that there is no evidence that this causes a problem for horses while conveniently ignoring the fact that the majority of these horses are in training using combinations of chains that would be illegal for use in the show ring. See illustration below as an example.)*



Use of Mustard Oil to Sore Results included:

1. Topical application of mustard oil resulted in consistent clinical signs and inflammatory reactions as evidenced by deviation from normal thermal patterns.
2. In the initial application a rise in temperature of 1 to 2 degrees in the area of application was measured, apparent at about 24 hours, and progressing to reddening and cracking of the skin at 72 hours.
3. At 72 hours signs of clinical soreness were becoming apparent, including sensitivity to palpation, filling of the tendon areas, reluctance to move, and stumbling. At this stage, the symptoms subsided with exercise. A Temperature rise of 3 to 4 degrees was evident in the areas to which mustard oil was applied.
4. The reaction was at a maximum of 5 to 6 days after the initial application as evidenced by temperature rise and increased clinical signs of soreness, i.e. Horse stood in one place in the stall and was reluctant to move, even to eat and an attitude

- of depression. *N.B. This observation from 1975 directly parallels the condition of the sore horses seen in the McConnell Nightline video from 2012.*
5. The rear feet were placed well up under the body to support as much weight as possible *N.B. again see McConnell video for a 2012 example of this 1975 finding and also evidence photo of a horse seized during the Larry Wheelon Stable raid in 2013.* See photo below and a second recent example of a horse that had passed inspection and was waiting to be taken into the show ring by its rider



6. Leading out of the stall required one person behind to force movement
7. Movement was slow at first with most of the weight carried on the hindquarters similar to movement observed in acute and painful laminitis (founder).
8. Considerable sensitivity to palpation to affected areas.

Locomotion in the Sore Horse as Evidenced by the Ames Study

1. With the weight of the rider, the hindquarters went partially down as if to fall.
2. Urging with spurs and whip was necessary to get the horse to move

3. Horse was extremely awkward initially with hind legs up under the horse as the horse struggled to carry the weight on the hind -quarters.
4. Rider essentially had to hold the horse up with the reins for the first few minutes
5. After a few minutes of exercise the horse became accustomed to carrying most of its weight on the hindquarters, became more “coordinated” and started to settle into a gait that included the hindquarters gliding far underneath the horse, the front feet touching the ground for as short a period as possible with hyper-flexion and extension.
6. **The weight, action devices, and degree of soreness govern how high and how far the horse will reach with the front feet.**

Some Characteristics of the Warmed –Up Sore Horse Under Saddle include:

1. Oblivious to surroundings and pained expression on the face
2. **Tire rapidly and sweat excessively due to a combination of pain and an unnatural disposition of weight**
3. Definite slope from withers down to the croup
4. Extremely high action with the front feet and extreme over stride with the hind feet
5. Jerkiness of gait
6. Stop very rapidly when asked to halt, with majority of weight on the hind feet.
7. Tendency to stumble when turned and when going down an incline or on soft surfaces. *(Observation from the Ames Study: riders of sore horses often bring horses into the ring at a rapid gait so unevenness and first turn of the oval will not cause them to stumble and evidence pain as they would at a slow gait.)*
8. Labored and jerky canter (see photo below_



- 9. Stiffness when starting after standing for a period of time
- 10. Rapid respiration rate and flared nostrils.

Conclusions of the Ames Study

The Ames Study concluded that even in its nascent form, thermography was a valuable diagnostic tool in providing a visible and recordable image of where and to what extent inflammation was present and that it provided supplemental objective information that could be used to augment physical examination and observation. The pictorial display of the thermal image could be recorded by standard photographic means and the resulting photos identified and preserved to document cases of alleged soring violations.

Most importantly, the Ames Study found that a characteristic thermal pattern is present in the front pasterns of unsored, clinically sound Tennessee Walking Horses and that when other breeds were examined in field studies that the same pattern was present. This finding indicated that there was nothing unique in the thermal patterns of clinically sound walking horses in comparison to horses of other breeds and further that exercise alone did not significantly alter the thermal pattern,

Ames Study Summation:

- ✓ Soring, by chemical and mechanical means, to include the use of weighted shoes and action devices of varying weights, did produce inflammatory changes characterized by a rise in temperature of the affected area and produced clinical signs of soreness.
- ✓ The degree of temperature rise and area involved in the temperature rise were directly related to the degree of clinical soreness. Inflammation and clinical soreness may be present without visible external lesions.
- ✓ Inflammation tended to spread from the original site of application of oil of mustard until in some cases the entire pastern area and the upper 1/3 of the hoof were involved. In these cases the normal thermal pattern was obliterated.
- ✓ Application of petrolatum around the site of application of mustard oil enhanced the spread of inflammation.

The Auburn Study September 1978-December 1982]

Thermography in Diagnosis of Inflammatory Processes In Horses In Response to Various Chemical and Physical Factors

Introduction:

Although the “Auburn Study” is more than 30 years old and technology to measure inflammation, detect chemicals, and peer into the feet of horses has certainly improved since that time, the study itself is the one that the performance horse industry continues to use to bolster its claims that the performance package and the 6 oz. chain do not cause harm to horses.

This was evident in 2014 when the Performance Show Horse Association (PSHA) put out a call to action to big lick supporters saying, ***"It is imperative that you make your voice heard in opposition to this legislation (PAST Act). There is no scientific basis for the ban of the action device, pad, or the weighted shoe. In fact the exact opposite is true as the Auburn Study proved that action devices up to 6 ounces and the pad caused no harm to the horse."***

- **Actually, the Auburn Study doesn't prove any of that.**
- Weighted shoes of the sort used on flat shod horses were not part of the study;
- Although the use of the 6 ounce chain did cause some hair loss, results of the 6 ounce chain in creating lesions or pain was never measured because they were never tested used over pasterns that had been exposed to chemical substances, thus its ability to cause harm to a horse was not studied in light of how the chains are actually used,
- And the study actually reads: **"Thermography study suggest that shoeing of the forefeet in pads and wedges from a barefoot status causes a 1-2 degree rise in temperature in the superficial and deep flexor tendon area. Similarly, inflammation in this area was observed on horses when the angle of the hoof was raised or lowered."**
- The Auburn Study also addressed the issue that using the thermography available at the time it was impossible to get a complete reading of soreness in the pastern area from pressure shoeing taking place under pads **because the pads obscured the solar surface of the foot. However, when the pads were removed inflammation from pressure shoeing was readily revealed.**

The earlier Ames Study had already demonstrated that inflammation, as measured by thermography was a valid diagnostic tool for determining that a horse was clinically unsound and, when chemical and mechanical interference was involved, that this unsoundness was attributable to common soring practices and devices which could include as defined in the HPA shoes and action devices. In the Auburn Study the simple act of shoeing in pads and wedges from a barefoot condition (natural foot) caused a 1-2 degree increase in the inflammation level of the tendons of the horse without the presence of any other agents.

Highlights from the Auburn Study Includes Commonality with Ames Results

- **"Thermographic pictures obtained 15 minutes after exercise in normal horses could be differentiated from the horses that were sore due to chemical or physical factors.** This field trial produced results similar to those obtained by Dr. Nelson at Ames, Iowa. "
- "Application of detergent soap and leg wraps produced an increase in Infrared-emission pattern of the treated legs. This increase in temperature varies from 2-4 degrees C warmer than the non-treated legs. Following use of detergent soap, same legs were used for application of mustard oil. After second application of mustard oil horses showed obvious signs of pain and discomfort. Horses were also very sensitive to touch. **Thermographic evaluation showed increase in IR-emission**

pattern and consisted of about 5-7 degrees C rise in temperature compared to the non-treated legs. Three to five days after the last application of mustard oil there was gradual decrease in temperature, but the did not return to normal level for 3 to 4 weeks. Rectal temperature, along with temperature recording from the pastern area of the foot also increased following treatment with mustard oil. ... Rectal temperature was between 99 to 101 degrees F before soring. Seventy-two hours after application of mustard oil rectal temperatures averaged about 105.5 degrees F (pre-exercise). “

- “ After the second application of mustard oil, treated legs were sore and inflamed to the extent that the horses will not tolerate point pressure above 5 to 10 psi in the affected areas. Whereas non-sored legs of the same horse will withstand a pressure ranging from 24 to 40 psi.”
- “ Results of the study provided evidence that by day 7 of exercise with chains (fitted according to the USDA, APHIS, regulations so that the 10 oz. chain struck the pastern at least one inch above the coronary band) lesions can be produced on a horse’s legs. By the 10th day of exercise with chains, these lesions were more obvious and were present on the anterior and posterior area of both right and left pasterns. These altered thermal patterns persisted as long as chains were used. Thermo graphically, horses exhibited altered thermal patterns as early as day 2 of exercise with chains. ...**After 10 days of experimentation with chains the horses were exercised without chains and it took about 20 days in recovery to return to normal thermal patterns. ...It was concluded that the use of 10 oz. chains for 10 days without use of chemical soring produces lesions in the area of the pastern which can be seen visually after 8 to 10 days and altered thermo graphic patterns can be seen in 2 to 3 days. If animals were allowed to recover without anti-inflammatory treatment it would take 3 to 5 weeks for their thermal patterns to return to normal.** The extent of soreness due to chains only are less dramatic than the effects of chemical soring.” (N.B. the 10-ounce chain was, at the time of the study a legal weight for the show ring. In 2014 10 ounce chains and chains of higher weight are still used in training barns to work horses. The presence of overweight chains which can be seen on “chain carts” on show grounds is only one indication that the 6 ounce chain is not the chain of choice for training purposes and that action devices remain a real and present problem.)
- “ Results of this study (using a 10 oz. chain) showed the combination of detergent, chains and mustard oil caused the clinical signs of a sored horse described by Nelson (1975)...The combined use of detergent, chains and mustard oil on the pasterns of horses cause lesions and tissue damage visible to the naked eye. They also cause alterations to the horses’ behavior that are predictable. ...There is a wide margin between the pressures that an unsored horse can tolerate compared to those that a sored horse can endure. “
- “ Two horses were used to produce scars using 16 oz. and 14 oz. chains with clinical soring described previously. It took an unpleasant two months of detergent, mustard oil and chain use to produce minimal scarring of two horses. Bleeding of pasterns first occurred in about 7 to 8 days while exercising in chains. **The animals**

displayed many signs of discomfort and distress during the use of chemicals and chains...lying down in the stalls, reluctance to move, vagueness as to surroundings, bearing more weight on the hind feet, stumbling, falling, ...and a peculiar stance while standing. It was apparent that 16 and 14 oz. chains inflict more trauma than 10 oz. chains. " (N.B. these are the same signs of soring that Dr. Nelson documented in the Ames Study in 1975.)

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- (N.B. Although the use of the 6 oz. chain did show some hair loss at the pastern during the Auburn Study, the study did not measure the effect of the 6 oz. chain in the presence of chemicals. Therefore it is impossible to say whether or not the 6 oz. chain is harmful, aside from the presence of hair loss, because it was never tested to determine whether thermographic changes, lesions or scarring took place when chemical soring was introduced.)
-
- " Raising the heels 8 degrees caused both horses to stumble and tire easily. They did not regain a sound gait for about 7 days. ...Raising or lowering the heels of Tennessee Walking Horses and shoeing one with pads and wedges from barefoot status causes thermal patterns in the flexor tendon that can be distinguished on thermography. ...Inflammation subsides about one week after the heels are raised or lowered 8 to 12 degrees respectively. "
-
- " Soreness from pressure shoeing was not detectable in the pastern area by physical examination or by thermographic technique in all cases, because pads obscure the solar surface of the foot. But obtaining thermographs of the sole after removal of pads, soreness was obvious due to inflicted inflammation of the sole of the foot."

Conclusion: The Auburn Study built on the earlier Ames Study, finding inflammation to be a reliable indicator of pain connected with the process of illegal soring activities. As a result of the Auburn study, the current legal action device was brought down by the USDA to the 6 oz. chain and shoeing packages were modified, although as noted this chain was never tested in the presence of chemicals. It is important to note that even without chemicals the device alone caused hair loss after it was placed in use on the pastern.

Although the big lick industry of the time insisted that changes that were brought about as a result of the study in shoeing and in legal action device size would destroy the industry, continuing manipulation by the industry in producing their favored gait have continued to produce horses with visible inflammation patterns up through 2016.

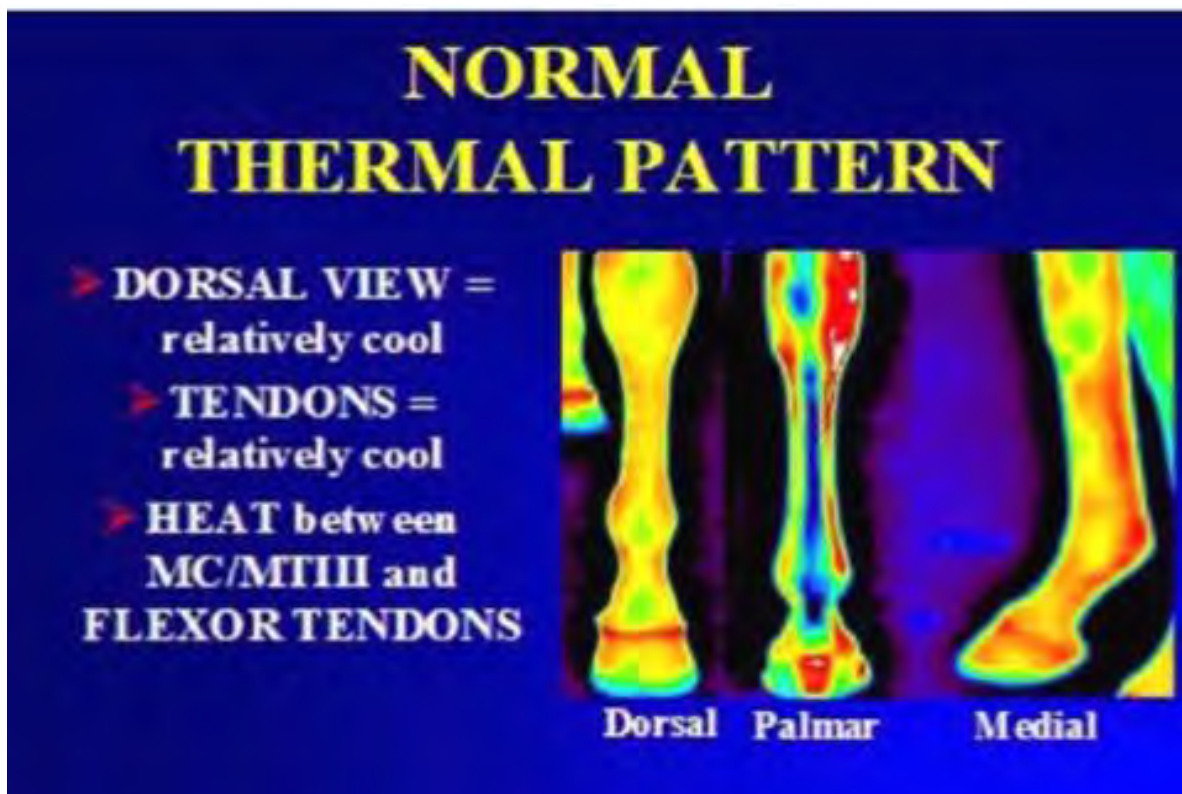
The Auburn Study which the industry once claimed would be the death knell of the performance horse is now held up as the gold standard through selective reading of it because it allowed pads and chains to be retained. Now thermography is under attack by these same forces, saying that it fails to produce sufficient scientific evidence of harm resulting to horses from shoeing, chemical, and other forms of mechanical abuse.

Information from the 2013 USDA Technology and Horse Protection Brief

Forty years after Dr. Nelson in Ames, Iowa, told the USDA that thermography from that time was useful in making a clinic diagnosis of a sore horse and reported that inflammation could be traced to horses wearing built up shoes and trained in action devices, the USDA presented to the public the results of its technology studies using state of the art equipment, including digital radiography and iris scanning, along with thermography.

As Nelson and Purhoit found, research from the 21st century showed that when using thermography areas of a horse's pastern showed hot on thermographic images when increased blood flow to an area, irritation or inflammation were present. Areas also showed abnormally cool due to decreased blood flow or the application of cooling substances, topically applied, to numb a horse so that it will not react with pain when digitally palpated.

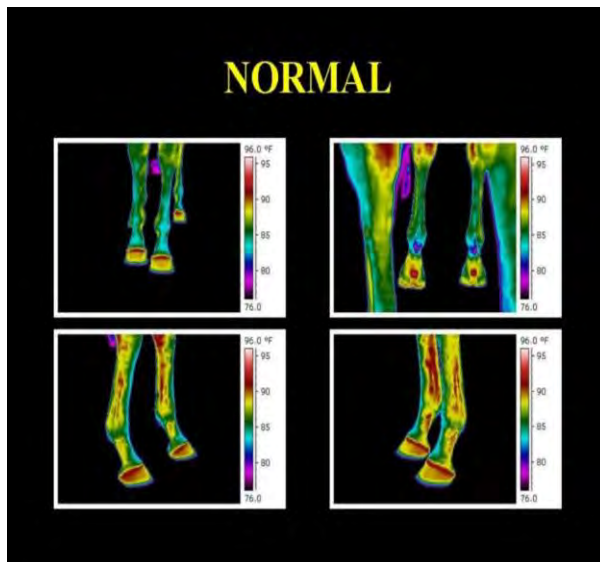
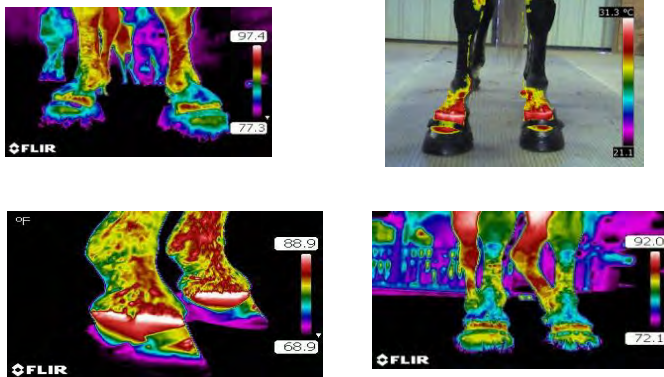
The flexor tendons, shown by Nelson and Purhoit to be adversely affected by raising or lowering the heels, as is done in performance shoeing with resulting inflammation, also show, even more clearly, signs of inflammation in the better images used in the USDA presentation of 2013.



Abnormal thermal patterns in walking horses that had been exercised wearing pads and chains in combination with chemical applications, as well as being exercised with pads and

chains without chemical applications that showed topical hair loss all the way to open lesions in both Nelson and Purhoit's studies, continued to be shown in demonstration slides in the USDA presentation of 2013. (See following example) This further validates the findings of control groups of horses considered to be clinically sound in Nelson that did not show abnormal patterns of inflammation, even after being exercised at horse shows. The variables between normal and abnormal remain after 40 years, built up shoes and heavily weighted shoes, action devices, and chemical applications

Abnormal Thermal Pattern



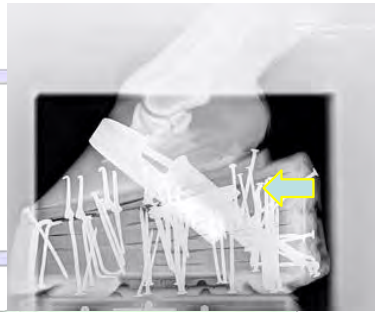
In the Auburn Study, the Purhoit team discussed the inability to identify pressure shoeing that had taken place under the performance package because of the inability to view the sole of the foot. Inflammation was present in the leg area, however, of the sort that would be

reflected from the pain of acute laminitis. When the pads were removed the interference with the sole was visible.

- In the USDA's 2013 presentation digital radiography was used to demonstrate that the package shoes used on performance horses can be used to conceal illegal trimming intended to cause the foot to be sensitive to the normal pressure of concussion thus causing the horse to snap the foot when it comes into contact, enabling the action that Nelson addressed in 1975 that the big lick segment finds desirable;
- Foreign objects, including hoof packing materials that have been hardened and which cause pain when used over an abnormally trimmed sole and frog;
- Excessive weight in the package itself which can not be seen by the eye;
- Coffin bone rotation that is significant to the existence of inflammation and to pain.
- Other shoeing concerns included shaving the hoof wall down and tightening metal bands.

Digital Radiographs 2013 FINDINGS TO DATE

Illegal Trimming of Sole, Objects Under
Hoof and Within Performance Package



- Applying wedges at the heels prior to showing, raising the heels as described in the Auburn Study as producing inflammation and pain.

Summary

Over 40 years of observation, abuse in the big lick horse has tended to focus on the application of chemicals to produce a sore horse for exhibition. The federal law is clear that the creation for exhibition of a sore horse is both inhumane and illegal but as the three studies discussed demonstrate, the other variables involved in creating a clinically unsound horse must be broadened to include the big lick package itself, action devices, as well as the heavily weighted flat shoe, and metal bands which can create pressure on the foot simply by tightening them down if the hoof wall has been shaved down.

The easy way of diagnosing a sore horse by visually observing open bloody lesions is a thing of the past. Modern soring is proven by the detection of inflammation, abnormal patterns of heat, and more recently tell-tale abnormal patterns of cold when agents are applied to hide pain and the existence of scarring patterns indicative of the soring process.

Thermography and digital radiography have demonstrated that shoeing packages and action devices are active agents in the creation of a sore horse. To fully enforce the law and bring soring to an end, these mechanical inducements must be removed from the show ring equation. It has always been within the power of the USDA under the existing law to do precisely that.

EXHIBIT D

Letter of Support for PAST Act
from farrier Eric Gray
January 16, 2014

I'm a farrier that walked away from shoeing walking horse show horses. And I'm talking publically about pressure shoeing. I found all sorts of things on big lick horses between the top of the nail pad and the bottom of the hoof: strings of quarters glued together, heel springs with bouncy balls melted on to the area of the frog, nail pads that were ground down at the edges but domed at the center, hammer shims of metal including steel. The bigger going flat shod horses were part of the problem, too. Tall beads of weld around the inside toe area of the surface of the foot causing painful sole pressure is just one of the tricks.

When the fluoroscope came into use during inspections there was change, but it wasn't a decrease in pressure shoeing it was an increase in ways to beat the machine. I agree with a letter from former industry veterinarian Dr. John C. Haffner who wrote, "The fact is the big lick can only be accomplished by soring. When one soring technique becomes detectable, another one is developed."

In 2014 pressure shoeing is a sophisticated practice and farriers involved in this practice make real efforts to hide their actions in case their handiwork is exposed. Putting a big-lick look on a flat shod horse brought pressure practices that are hard to detect because the evidence remains at home.

Here's an example of how it's done. Cut a thin plate to fit across the top of the shoe, just long enough to sit inside the hoof wall below the sole so they can be easily removed. Drill and tap plate and insert a bolt cut to length. Weld a nut to the bolt so that it can be tightened with a wrench. The bolt is then tightened against the sole. Bolts left in place for a few hours or a few days cause mechanical laminitis.

Bolted horses are left standing in crossties overnight, days before a show, to keep the pressure on their feet. I was once at a barn in the early morning and found a horse dead, still hanging from the crossties. The autopsy revealed stress colic due to unexplainable circumstances.

Severe abscesses are found in pressure shod horses. I worked on a horse whose entire sole had detached. His trainer, didn't want to miss a horse show and built a fake sole out of Equilox, replacing the shoe over it. The horse was brought to me, with the fake sole still in place, two weeks after the owner had taken the horse away from the trainer for subpar performance. By that time half the digital cushion had been eaten away by infection and the coffin bone was exposed.

Three months later, still with holes in the toes of its feet the size of a half dollar, the owner was back exercising the horse. On the day I was scheduled for my next visit, the owner told me that he had returned his horse to the same training barn where the problem was intentionally caused.

I had to get over my anger to realize that people involved in this don't think that there's anything wrong with it. One of the cruelest trainers I ever met was compassionate when it came to his fellow men; compassion did not extend to his horses. I asked him when I saw him put a set of bolts in a horse's feet to prepare for a horse show, how he could do this and still give witness on a Sunday. The horse, he explained, was 'a beast of burden. Its God-given talent was probably to be supper for a family, not be a show horse.' He believed there were things an animal had to endure to earn his keep and there was nothing wrong with that.

Eight years in the industry taught me you can't change people who think that working in pain is part of the job of being a horse. You can, however, save horses from these people by removing the tools of their trade and by removing this abuse from the show ring.

To do this H.R. 1508/S.1406 the PAST (Prevent All Soring Tactics) Act must be passed by the Congress. If my story has upset you, don't get angry; take action. Contact your representatives and our state senators and ask them to co-sponsor PAST.

John C. Haffner DVM ABVP(Eq)
November 25, 2013

The Honorable
Ed Whitfield
United States House of Representatives

Dear Mr. Whitfield,

I have been asked to relate my experiences with the Tennessee Walking Horse industry to you. This is my opinion which was developed over many years of experience from several vantage points from within the industry. I have experience in the business as a farm worker, a horse show spectator, a local horsemen's association member, an exhibitor and seller of colts, a broodmare owner, an owner of horses in training, and as an equine veterinarian. I graduated from the University of Tennessee College of Veterinary Medicine in 1982, I am certified in equine practice by the American Board of Veterinary Practitioners, I am a member of the AVMA and AAEP and I currently serve as Vice-president of the Middle Tennessee Academy of Equine Practitioners. I would like to stipulate that this letter is written with no endorsement from any person or group other than myself.

My first experience with Walking Horses was at 15 years of age when I began working at Harlinsdale Farm in Franklin, Tennessee. This has been one of the preeminent Walking Horse Farms essentially from the beginning of the breed registry. In addition to the routine farm work I got to help in the breeding shed and breaking yearlings. During the first few years, my involvement with show horses was limited to showing yearlings and attending the shows as a spectator. I became a fan of the big lick show horses. During my time at Harlinsdale, I met many trainers and owners of walking horses. I also became enthralled with the veterinary care of horses primarily by watching equine veterinarian Dr. DeWitt Owen Jr. pregnancy check mares and provide veterinary care to the horses on the farm.

After working at Harlinsdale for a few years, I worked for Dr. Owen in his equine practice in Franklin. At the time, Dr. Owen was one of the most highly regarded equine veterinarians in the walking horse and thoroughbred industries. He served as president of the American Association of Equine Practitioners while I was working for him. He took care of many world champion walking horses, and during my time in his employment, I was in many of the breeding and training barns in middle Tennessee. On occasion, we would travel to Kentucky to work.

After graduation from veterinary school, I worked for Dr. Owen a year and then started my own practice in Spring Hill, Tennessee. I was very involved in the walking horse industry. I owned broodmares and raised and showed colts. I did work for many of the top trainers and was at the Celebration almost every night. I saw what went on at the shows on the weekend and what happened in the barns during the week. I was one of

them, so there was no need to hide anything from me. I saw the soring. I saw the treatments to remove calluses. I saw the efforts to get the horses “fixed” just right to get them past inspection and into the show ring. I saw the pain. I did not only see these things, I helped do them. Gradually I became aware of the inherent wrongness of the training required to achieve the big lick. I say gradually became aware, but that is not accurate. I think I always knew it was wrong, but because of many factors, I lied to myself. Factors such as; horse shows are fun, the big lick is exciting, I was making a lot of money working with the horses, I liked the people, it couldn’t be all that bad because so many people that loved their horses were doing it kept me willingly blinded to the harm that was being done in the name of showing horses.

This came to a head in the early 1990’s at the Columbia, Tennessee horse show. I was asked to examine a horse that had been turned down by the USDA. After I examined the horse and could find no problem with it, I repeated the exam with a videographer recording my examination. To make a long story short, about two years later the case was settled in favor of the defendant in Federal Court in Nashville. Part of the judge’s decision stated that he had relied on my testimony to acquit the accused. I was unsettled by the ordeal because I thought someone would ask if soring was a common practice. It is. But the prosecution never asked. So although I told the truth about that horse, that night, a lie was promulgated. That lie is that Walking Horses are not routinely sored, and that only a handful of unscrupulous trainers resort to soring to get an unfair advantage.

The trial occurred in February, and it was a great victory for the industry. They had been exonerated, and the USDA was put in their place. The trainers became very bold that spring. I saw more open blatant soring in the months following the trial than I had ever seen in my life. I vividly recall a person in a training barn that walked by me carrying a can of their mix of mustard oil and kerosene, and the smell was strong enough to cause me to recoil. After that season, my blinders were removed and I could no longer be a part of helping to promote and benefit from a practice that I knew was wrong. I sold my practice, and I have stayed involved in veterinary medicine in different ways since. I have been removed from the daily routine of training for quite some time now, but I have remained in contact enough to know that nothing has changed the essence of the practice. It cannot change any more than a leopard can change its spots.

Shortly after I left practice, I was contacted by an individual involved with the industry. He asked me if I would be interested in being in charge of the DQP program. I asked him if they were interested in stopping soring or only wanted to get the government off their backs. I told him I would be interested in talking with them if they wanted to stop soring, but I had no interest if it was an attempt to merely get the government off their backs. He had other people call me to talk about it. Without exception, when I told them that I was only interested if they wanted to stop the practice of soring, not a single one of them wanted to continue the discussion. The fourth and final person to call me about it became angry and hung up the phone.

The fact is the big lick can only be accomplished by soring. When one soring technique becomes detectable, another one is developed. The big lick is a learned response to pain

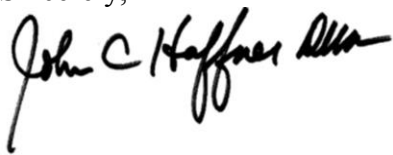
and if horses have not been sored, they do not learn it. It takes skill to be able to teach a horse the big lick and then determine the proper amount of soring and the proper timing to have a horse ready on a Friday or Saturday night. The horses must have the memory of the pain, but they must also be able to pass inspection.

It takes a combination of the built up pads for the weight and the chain to strike against the pastern that has been sored to produce the big lick. Other methods have been developed, but the traditional method is oil of mustard placed on the pastern and a chain put around the pastern to strike against it. The hair must be protected and this is generally done by applying grease on the pastern with a stocking over it. Calluses develop as a result of the chain rubbing against the skin. Later, the calluses are removed with a paste made by mixing salicylic acid with alcohol and applying it over the calluses and putting a leg bandage over it for a few days. This practice is also very painful to the horse. I have seen many horses lying in pain in their stalls on Monday morning from an acid treatment on Saturday.

I want to stress that the people involved in the walking horse business are no better or worse than people in any other walk of life. We all suffer effects of a depraved nature. The people who have these horses love them and take care of them many times to the extreme in expense and “good” care. They spend small and large fortunes on their horses. They provide the best of care, and they are truly remorseful when the horse is injured or dies. They spend money they know they will never recoup when the horse gets sick or needs surgery. They just don’t see anything wrong with the way the big lick is achieved, or they don’t think their trainer really sores their horse. I think they are blind to what they are doing and until they have a personal epiphany of what lies at the bottom of the big lick, they will be unable to see it. That is what happened to me, and it appears that it happens to others in the business from time to time.

Finally, I thank you for your bill to try to end soring. But you need to know, as long as a horse is doing the big lick, there will be soring. It will not be the few “bad actors” doing it. It is inherent to the gait and unavoidable in training. Unfortunately even without the big lick, there will still be soring. Flat shod horses develop a higher stepping gait if they have been sored. However, the techniques are different and it seems to be much less acceptable to the people within the industry. It is also more likely to be successfully policed. As long as there are people, there will be people trying to beat the system. The difference is that the flat shod horse has a natural gait which is not of necessity dependent on soring. There can be flat shod shows without soring. I think this is where the future lies for the walking horse industry, and the sooner that the big lick dies, the sooner the business can get on the road to recovery.

Sincerely,

A handwritten signature in black ink, reading "John C. Haffner". The signature is written in a cursive, flowing style with a long, sweeping underline.

John C. Haffner DVM ABVP(Eq)

"September, 10, 2013

Congressman Ed Whitfield
1403 South Main Street
Hopkinsville, KY 42240

Dear Congressman Whitfield,

Thank you sponsoring the "**Prevent All Soring Tactics Act**" (PAST) H.R. 1518 & S. 1406. Although no law can change a human heart bent on abusing animals this bill will give the moral high ground to those who truly desire to see this scourge be eradicated from the Tennessee Walking Horse industry. The artificial gates created by pads, chains, pressure shoeing, and chemical irritants have **held this great breed hostage** for at least 60 years and destroyed all credibility among equine enthusiasts.

Personally I have invested nearly 47 of my 60 years into this industry. My grandfather William Wirt Harlin Sr. was at the initial meeting in **1935** to establish the Walking Horse registry in Lewisburg, Tennessee. He established Harlinsdale Farm at that time which is still in existence today being run by my 89 year old father, Bill Harlin. Unfortunately like all other farms associated with this industry we have seen the industry decline because of those who continuously abuse this great breed through inhumane training techniques and therefore keep it under a cloud of corruption.

I have served as a Director, Executive Director, and Sr. V.P. of the Executive Committee of the Tennessee Walking Horse Breeders and Exhibitors Association. Also I have served on the regulatory board of the past Walking Horse Regulatory Commission that had oversight of the H.I.O. inspection process of show horses and trainers. It was during this time that I came to the realization that the industry was **incapable of any meaningful self-regulation**, and **unwilling to completely stop the abuse of show horses**. In my opinion the monetary benefits derived from the soring of show horses seemed to always prevent a real and lasting end to this form of animal cruelty.

On **April 12, 1998** I came out publically on the front page of the Nashville Tennessean stating that "**we were at a crossroads**", and "somebody's got to do something and do it now [referring to soring] or this is going to get out of hand." The Article went on to say "Harlin worries that the increasing emphasis on the so-called big lick...has led some trainers to use unscrupulous, painful methods." Mr. Whitfield from that point on I was unofficially "**black balled**" from participating in the industry. In less than 3 weeks time I had 3 top champion breeding stallions moved from our stables by their owners due to my statements in the press. 2 of the owners told me that this was the case. Our breeding operation at Harlinsdale suffered financially until I made the decision a year later to leave the industry so my father could continue in business. Since that time I have watched the decline of this great breed that was unable to regulate itself. It was obvious to me that unless a federal law was passed prohibiting all acts of cruelty that the abuses would only continue.

Mr. Whitfield I still love horses and especially Tennessee Walking Horses. Your bill has given me a fresh hope that this horrible nightmare will eventually come to an end and the industry will be reborn. I do not speak on behalf of my father, nor Harlinsdale Farm, but only for myself, so I pledge you my support in your effort to take the right and humane high road

to securing a better future for the equine industry. In addition I have contacted Tennessee Congresswoman Marsha Blackburn's office and asked her aid to relay a message urging Ms. Blackburn to support your bill.

Sincerely,

Clayton T. Harlin Sr.

Cc. Congresswoman Marsha Blackburn"

January 13, 2014

Dear Representative/Senator,

I am the proud owner of gaited horses and am writing to urge you to co-sponsor crucial legislation that will protect these vulnerable animals from a repugnant training practice called soring, in which unscrupulous trainers deliberately inflict pain on their horses' hooves and legs to exaggerate their high-stepping gait. This is done for no other purpose than to win blue ribbons at horse shows. The **Prevent All Soring Tactics (PAST) Act S. 1406/H.R. 1518** will protect the breeds most susceptible to soring practices, Racking, Walking, and Spotted Saddle horses, by ending the failed system of horse industry self-policing, banning the use of devices associated with soring, strengthening penalties, and holding accountable all those involved in this punishing practice. PAST already has broad bipartisan support in both the House and Senate.

Soring is torture. Through the use of caustic chemicals and abusive shoeing techniques that create constant pressure and pain, the horse is forced to perform an unnatural, exaggerated gait known as "the Big Lick." A horse, by nature, is a creature of motion, but sored horses are confined to their stalls 24/7 except for brief periods of training. Because their feet are in constant pain, they are often unable even to stand without being coerced with whips and threats from abusive trainers. Actions like these were shown to the public in a recent ABC *Nightline* exposé of world grand champion trainer named Jackie McConnell, heard on video describing one of the horses in his care as nearly crippled. These horses cannot speak for themselves and deserve our protection.

The PAST Act is endorsed by the nation's leading veterinary organizations: the American Veterinary Medical Association and the American Association of Equine Practitioners. The national organization that speaks for horses across the country, the American Horse Council, as well as state horse councils, endorse this legislation. Breed registries from the western American Quarter Horse Association to the society American Saddlebred Association and numerous breed associations and gaited horse groups support this bill, as do the United Professional Horsemen's Association, American equestrian Olympians, and natural horsemanship clinicians.

Although Congress passed the Horse Protection Act in 1970 with the intent of ending the abusive practice of soring, soring continues to be a common practice in the industries that would be affected by this law. 40 years of experience tells us that this abuse will continue unless the law is changed. As a member of the gaited horse community, I urge you to co-sponsor this legislation to fix the gaps in the Horse Protection Act so it can be meaningfully enforced.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alyssa Milano', written in a cursive style.

Alyssa Milano

9246 E Madera Dr.
Sierra Vista AZ 85650
(520) 378-2017

December 22, 2013

Congressman Ed Whitfield
2184 Rayburn House Office Building
Washington, D.C. 20515

Dear Sir;

As you read this letter, there are Tennessee Walking Horses standing with their hooves nailed on stacks that contort their joints into unnatural angles, causing constant pain. They try to stop the pain by shifting their weight to their back legs, but that makes those joints hurt, too. They lay down, but only for short periods of time because the horse's body wasn't made for prolonged recumbence. It's been compared to a woman wearing high heels, but that comparison only works if you nail the heel to her feet then refuse to allow her to sit or lie down for more than a few minutes at a time.....for years.....while she is forced to go running four or five days a week...carrying twenty percent of her body weight on her back.

As if that weren't enough, people routinely come and paint the horse's pasterns with caustic chemicals, then wrap them in saran wrap and heavy cotton wraps. The chemicals make the skin tender and cause more pain in the deep tissues, pain the horse cannot escape. Then they take the horse out of his stall, add chains to his pasterns, and ride him with the chains flopping against the tenderized skin, the tortured joints hitting the ground and supporting the weight and speed of horse and rider with a pound, pound, pound at each step.

This is the traditional training technique for the big lick Tennessee Walking Horse, also known as the Performance horse. The pain in the front causes a shift of weight to the back, which is desirable, and the pain of the chains causes a lift to the front legs which is also desirable. It's all done for the glory and blue ribbons, and it's all at the expense of the horse. How do I know this? I used to do it, that's how.

I was raised riding these horses and watching the "training" methods. I saw the chemicals applied, mostly oil of mustard and diesel fuel. I saw the heavy chains used and the horses that had to be whipped to get them out of their stalls. I learned not to touch the pasterns because the horse might (and one time did) fall from the pain of my touch. I was taught that it's just the way the horse pays for its keep, the price of being fed and watered and given a warm stall. And I believed it. Kids are like that. The big lick has taught generations that their joy and pride are worth the torture of the horse, that causing gratuitous pain to another creature is okay as long as you win a ribbon. I'm pretty sure that's not the lesson my parents intended me to take from the show ring, but that's the one that hundreds of kids DO take. I only stopped allowing my horses to be sore when I realized that my children would learn this, and that was not something I wanted to happen.

The Walking Horse industry touts its own inspection program and a 98% compliance rate. This is fiction. The pain in the joints caused by stacks isn't even detectable during the usual inspection. The chemical soring occurs back at the barn days before inspection and can be covered up with local anesthetics. The stacks themselves cover evidence of sharp objects placed between them and the hoof. For every horse found to be sore, hundreds are sore but pass the inspection process. The practice of soring is so common that, in my thirty years in the horse show business, I only knew two trainers that I knew would not sore a horse.

Fifteen years ago I spoke out publically against soring in an article in the Nashville Tennessean. At the time I had just resigned as Vice President of the Tennessee Walking Horse Breeders' and Exhibitors' Association. I hoped my stand might have guided the industry towards safe, humane methods of training, but I was wrong. Today I speak up again because the best hope for the horses is here in the PAST Act, also known as HR 1518 and S 1406. This would ban the use of the stacks and chains on Walking Horses, among others, in the show ring and make arrangements for more stringent methods of inspection.

The chains and stacks have to go because the Walking Horse industry has proven itself incapable of using them responsibly. Having horses flat shod would ease the strain on the joints and the pain that accompanies it as well as making pressure shoeing more difficult to hide. Banning the use of chains would make the use of chemicals easier to detect. Putting the inspection process in the hands of the USDA would mean that the inspectors would actually want to find violators rather than colluding with the industry in hiding the practice. Released from the ball and chain of soring, the Walking Horse could take its place among the great horse breeds of the world. The current dwindling show circuits would prosper and the markets of Europe and South America would open to our horses. More importantly, future generations of children would be taught that enjoying animals and using animals need not mean torturing animals.

Thank you for putting forth the PAST Act. The PAST Act is good for the Tennessee Walking Horse, good for future generations of horsemen, good for the country and, quite simply, the right thing to do. If I can help in any way please feel free to contact me.

Sincerely,

Pamela B. Reband MD

Pamela Reband MD
Member, Board of Directors, TWHBEA
Recipient of National Walking Horse Association Phoenix Award
Former Vice President TWHBEA
Former Member Board of Directors, National Walking Horse Association
Former President, Kentucky Stallion Owners Association



Monty & Pat Roberts, Inc.

Creating a better world for horses and people...

**Congressman Ed Whitfield
2184 Rayburn House Office Building
Washington, DC 20515**

Dear Congressman Whitfield:

First, I would like to commend and applaud your actions and stance in moving forward with the P.A.S.T. Act (Prevent All Soring Tactics). You have made a tremendous step forward in protecting the Tennessee Walking Horse from the suffering it has endured for more than half a century. In addition, the freedom your bill will provide for the other horse breeds will have a tremendous positive impact for their welfare, and for future economic benefits.

I want you to know you have my full endorsement and authorization to utilize this letter for the passage of the P.A.S.T. Act H.R. 1518/S. 1406. For a number of years I worked with numerous Tennessee Walking Horses and encouraged their owners, trainers, and industry representatives to remove the pads (stacks) and action devices (chains), to no avail. In a previous public statement regarding the stacks and chains I said "...the artificial foot growth and the stacks were unnatural and harmful." I also recommended "...a lifetime suspension for anyone who would deliberately cause pain or set a horse up for pain in an attempt to improve performance."

I continue to support the sound and natural gait of the Tennessee Walking Horse in its purest form without the use of artificial devices. Your bill, which strengthens the Horse Protection Act, will offer the opportunity for those within the industry who want to do the right thing, a fair and level competition field.

So that you may know my credentials, in 2011, amidst the peak of the soring controversy related to the Tennessee Walking Horse, I was made an honorary Member of the Royal Victorian Order by Queen Elizabeth for service to Her Majesty and for my work to create a better world for horses and for people too. In addition, my autobiography "The Man Who Listens to Horses," and the novel "The Horse Whisperer", which was inspired by my work for Her Majesty in the early 1990s, were on the bestsellers lists. This launched a revolution in the way horses were trained.

Again, I thank you for your work, your bill, and I offer you my full support.

Kind regards,

Monty Roberts

October 14, 2013

January 14, 2014

The Honorable Ed Whitfield
United States House of Representatives
2184 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Whitfield:

As a former owner of Tennessee Walking Horses I would personally like to thank you for introducing the Prevent All Soring Tactics (PAST) Act, H.R. 1518. Your efforts, to bring an end to the horrific practice of soring, are appreciated by many people, and are long overdue. This practice of harming animals to achieve the high stepping gait, and championship awards has persisted since the 1950's and has become a culture of abuse in Middle Tennessee and around the Southeast.

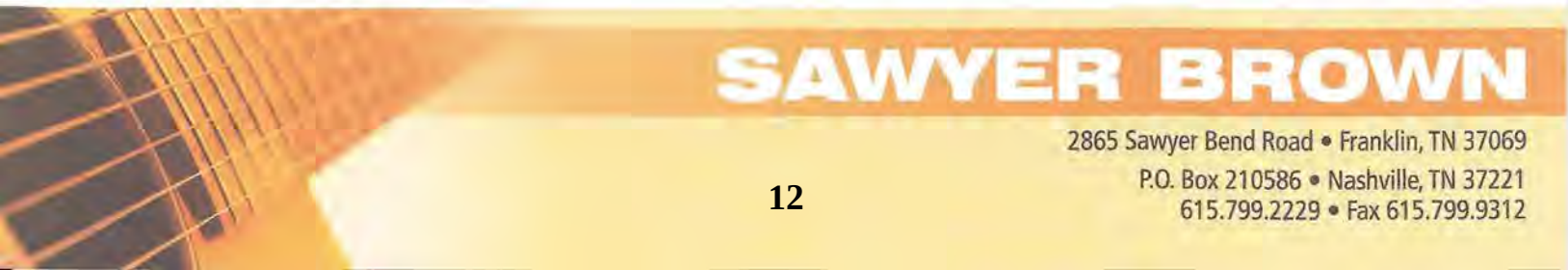
For a number of years while living in Tennessee as a country music artist my family and I owned breeding stock, and young horses we placed in training. When a trainer informed us that "soring" Tennessee Walking Horses was required to compete in the "big lick" segment of the industry, we decided to disband our herd and dissociate ourselves from the breed. We would never want to see anyone harm animals, and we were not willing to allow our horses to be abused. Sadly, we like countless others wish the walking horse industry would change their ways, and begin to truly "put the horse first."

In our breeding program, we worked with Marty Irby during his time at Waterfall Farms, and are pleased to see he supports the bill as well. Please know we fully endorse your legislation, and welcome you to utilize this letter as you see fit for the furtherance of this bill. I believe the PAST Act will save the Tennessee Walking Horse breed and eradicate the plague of soring that has hindered and harmed these great horses for far too long.

Kindest regards,



Mark Miller
Sawyer Brown



SAWYER BROWN

2865 Sawyer Bend Road • Franklin, TN 37069

P.O. Box 210586 • Nashville, TN 37221

615.799.2229 • Fax 615.799.9312

WINFIELD C. DUNN
107 Dunham Springs Lane
Nashville, TN 37205

July 24, 2014

Honorable Ed Whitfield, MC
U. S. House of Representatives
2184 Rayburn Building
Washington, D. C. 20515

Dear Congressman Whitfield:

I write this message to endorse and offer my support for your proposed legislation, HB 1518. You are due total gratitude from animal lovers and Walking Horse owners across our nation. As a former Governor of Tennessee and Walking Horse owner I fully appreciate your courage and commitment toward the breed and the magnificent animals which make it up.

Regrettably, past practices involving false pride and ambition have led us to a point where physical mistreatment and pain now characterize an industry and a pastime which Tennesseans and horse lovers everywhere have treasured over the years. The abuse and suffering which these innocent and loyal animals now experience every day must be brought to an end. I have made my feelings known to members of the Tennessee delegation.

I look forward to a day, very soon, when walking horse enthusiasts, both pleasure seekers and competitors, can enjoy the beauty and naturalness of the horse. Your efforts toward those goals will earn the gratitude of animal lovers everywhere. I congratulate you, wish you every success and stand ready to support you and others as you move forward.

Most earnestly.

Winfield Dunn

APR 01 2014

Elizabeth R. Lindsey
625 Shelby Avenue, Nashville, TN 37206
615-255-2449, erlindsey@comcast.net

Representative Jim Cooper
1536 Longworth HOB
Washington, DC 20515

March 8, 2014

Dear Representative Cooper,

I am writing in support of HR 1518, "Prevent All Soring Tactics Act of 2013."

I have lived in Nashville, Tennessee, for a little over eleven years now, and I cannot remember a year when *The Tennessean* hasn't reported on soring cases, some of them truly horrific and all of them inexcusable behavior on the part of humans toward defenseless animals undeserving of such treatment.

The Tennessee Walking Horse is admired for its high-stepping gait. But so many trainers have used cruel methods to exaggerate that gait for so many years that it's hard to know what a natural Tennessee Walking Horse gait looks like anymore.

Those trainers who do not want to use soring, pastern chains, and weighted shoes are in a bind because it's the exaggerated gait that wins the prizes and brings in clients to keep the trainer in business. It takes a strong trainer not to give into that kind of pressure.

I feel the Tennessee Walking Horse industry has proven over the years that it is incapable of policing itself. Most industries and professions are. Most need an outside, objective expert to conduct audits or investigate and censure misconduct.

The horse industry has proven it needs outside, objective experts to encourage its members to treat its livestock in a humane way. I feel HR 1518 will provide the industry with the boundaries and oversight it so clearly needs to ensure the Tennessee Walking Horse can be appreciated without intentionally causing it pain.

Life is to be enjoyed. Even for horses.

Sincerely,



cc Rep. Ed Whitfield, Rep. Marsha Blackburn



Kentuckians Vote for Animals (KVFA)
257 Parrish Ave
Paris, KY 40361
859-608-8150
Melissa@kyanimals.org

March 20, 2015

Rep. Ed Whitfield
2184 Rayburn
Washington, DC 20515

Dear Rep. Whitfield:

Thank you so much for your sponsorship and continued support of the PAST Act, which would strengthen laws against soring in the Walking Horse show circuits. We appreciate your hard work in spite of the opposition of some of your fellow state congressmen.

KVFA is a local, grass-roots organization which advocates for better animal welfare laws. If we can be of any assistance to you in the future, please let us know. Thanks again!

Sincerely,

Melissa Bowman
Melissa Bowman
President, KVFA

December 15, 2013

Congressman Ed Whitfield
2184 Rayburn House Office Building
Washington, D.C. 20515

Dear sir:

My name is Carl Bledsoe. I'm writing this letter to you regarding the soring problem within the Tennessee Walking Horse Industry. I was a second generation Tennessee Walking Horse trainer ("was" being the key word) licensed through the Walking Horse Trainers Association, license #88035. I have not renewed my license in the last year and a half. I live in small town about and 1.5 hours north of Atlanta. I grew up in the industry, being the son of a trainer as well, and I feel that I can share a perspective from the inside.

About five years ago, it became abundantly clear to me that the training methods used on our breed for show purposes was completely wrong. Growing up in the industry, it was common place to use these methods to prepare these horses for competition and/or sale. I've seen and have used every sort of caustic agent that can be used to enhance and to achieve the "big lick" gait. It excited me to see one sit down on his hocks and step up against the chains and "reach" and now I realize that the horse was put in a great deal of pain, physically and emotionally, and it was simply struggling to move. It sickens me now to realize the difference. There is no way physically possible for these horses to perform this desired "big lick" without the following:

*chemicals - Mustard oil, Croton oil, lamp oil, Kerosene, diesel fuel, Amoco white gas, hand cleaner, Dawn dish detergent, Iodine, Ether, baby oil, Scarlet oil, Castor oil, Glycerin, W-D 40 (my personal favorite) or a combination of these chemicals

*pressure shoeing (upon request, I can explain in detail)

The industry will argue the point that they are 98% compliant simply because they are still able to pass inspection due to the fact that the soring is done several days prior to competition while ignoring the fact that the soring still took place. That's why I believe the only way to eliminate the pain inflicted on the horses and end the abuse is to remove the "packages and chains". This group of people is conditioned to believing that there is a difference between a "show ready" horse versus a "sore horse". Also, many owners pretend that they are unaware of the abuse because they are not present when it takes place.

Along with soring horses for competition, I have also been a party to pay offs in the show arena and the inspection arena as well. These accusations will be hard to prove, although they do exist.

I've been at a cross roads with whether or not I should share my story for the last three years. I've been very hesitant because of the long arm of retaliation within the industry. I finally made the decision this spring to remove all performance horses from my barn and no longer train horses with any shoes other than keg shoes. This was a difficult decision because not only was it my

only means of income, it was also a huge part of my life as I had always known it. It's amazing at the number of friendships lost when you decide to take a stand for what's right. I choose the horse in this situation. With that being said, I'm happier now than I've ever been. I now work with all breeds and disciplines and I am now able to enjoy my job by helping others learn to communicate with their horses rather than intimidate them.

Should you need to speak with me regarding any of the above state information, please do not hesitate to contact me. I will be glad to assist you in any way possible with this effort. (cell 770-510-3317 barn 770-893-4820)

Respectfully,

Carl Bledsoe