

United States Senate

WASHINGTON, DC 20510

October 5, 2016

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

Dear Secretary Vilsack:

We are committed to ending the cruel soring of Tennessee Walking Horses and we appreciate the efforts of the U.S. Department of Agriculture (USDA) to enforce the Horse Protection Act (HPA). We write to express our strong support for the rule proposed on July 26, 2016: The Licensing of Designated Qualified Persons and Other Amendments [Docket No. APHIS-2011-0009]. As lead sponsors and cosponsors of the Prevent All Soring Tactics Act (PAST Act, S. 1121), we urge the USDA to act expeditiously to finalize the rule before the end of the year. We are pleased that the proposal includes key policies that are consistent with the PAST Act and would strengthen enforcement of the HPA. The agency has the clear authority under current law to address shortcomings in existing HPA regulations that have hindered the law's effectiveness.

Soring involves unscrupulous trainers who deliberately injure the legs and hooves of Tennessee Walking Horses by mechanical and chemical means. These cruel and illegal tactics help achieve a desired exaggerated gait, known as the "Big Lick" that wins ribbons at certain horse shows. Earlier this year, the U.S. Department of Agriculture (USDA) released test results from the industry's marquee competition – the 2015 Tennessee Walking Horse National Celebration – which showed that 175 of the 200 random samples taken tested positive for illegal foreign substances used to sore horses or temporarily numb them to mask their pain during inspection. These test results highlight continued inadequacies in the current regulatory environment.

We urge the USDA to ensure that the final rule fully retains two primary reforms consistent with the PAST Act in order to improve enforcement of the HPA. The PAST Act currently has the support of 50 Senate cosponsors and 266 House cosponsors, along with endorsements from the American Horse Council, American Veterinary Medical Association, state veterinary associations from all 50 states, the National Sheriffs' Association, Association of Prosecuting Attorneys, and over 60 national and state equine organizations. Given the PAST Act's broad bipartisan support, we respectfully request that the rulemaking includes measures to definitively end industry self-policing and prohibit incentives used to sore walking horses, as detailed below.

Eliminate Industry Self-Policing: End the industry self-policing system that is based on the Designated Qualified Person (DQP) licensing program sponsored by Horse Industry Organizations (HIOs), and replace it with USDA-licensed, trained, and assigned inspectors who will be accountable to the Agency for enforcement of the Horse Protection Act. A comprehensive audit issued in 2010 by the USDA Office of Inspector General (OIG) of the Horse Protection Program found inefficiencies in existing HPA regulations for the inspection and identification of the illegal practice of horse soring. Notably, USDA OIG found that self-policing methodologies possess


inherent conflicts of interest and difficulty ensuring compliance. The audit recommended that the Animal and Plant Health Inspection Service (APHIS) revise its HPA regulations significantly, and the USDA committed to rulemaking to abolish the DQP licensing system in response. Additionally, in multiple Federal Register notices, the USDA has stated the agency's plans to consider banning the pads and chains used as part of the soring process.^[1]


Ban Incentives to Sore Walking Horses: Under the Horse Protection Act, prohibit the use of equipment associated with soring in the three specific breeds known to be subjected to soring: Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses. The veterinary community and leading horse industry groups have called for an end to the use of action devices (including chains), performance packages (also called stacks and pads), weighted shoes, wedges, hoof bands, and other devices that are not used specifically for protective or therapeutic purposes, as prescribed by a licensed accredited veterinarian. Such devices help produce the incentivized "Big Lick" gait and play an integral part in soring these breeds – causing painful damage to a horse's hoof, exacerbating the pain of chemical irritants applied to the legs, and facilitating concealment of other objects that create pain.

These reforms will not destroy the walking horse industry, but instead, will save the industry from deteriorating due to bad actors who continue abusing horses at the expense of the breed's reputation. Only approximately ten percent of all Tennessee Walking Horses are shown in the "Big Lick" classes, in which horses subjected to soring compete. These classes have declined tremendously in recent years as a result of increased public awareness of soring abuses, while competition in other classes that involve the rest of the breed is growing. Regulatory modifications consistent with the PAST Act will allow those who are trying to play by the rules to finally be free of the stigma that soring generates throughout the entire industry.

We commend the USDA for proposing these improvements to the HPA, and urge you to prioritize the proposed rule's review and timely finalization. Given the agency's commitment to establishing rules that would strengthen enforcement of the HPA in 2010, this regulatory action is long-awaited and should be completed prior to the end of 2016.

Thank you for your consideration,


Kelly A. Ayotte
United States Senator


Mark R. Warner
United States Senator

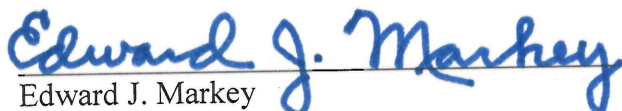
^[1] 44 FR 25172 (April 27, 1979) and 76 FR 30864 (May 27, 2011). The USDA put the Big Lick faction of the walking horse industry on notice in 1979 that the agency would consider banning pads (also known as stacks or performance packages) and action devices (chains) if they were unable to establish an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



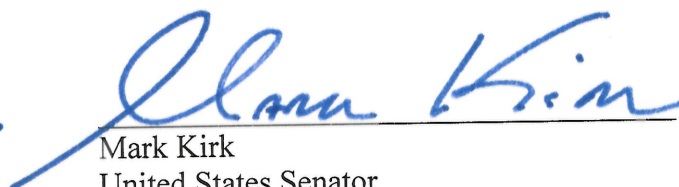
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United States Senator



Debbie Stabenow
United States Senator



Edward J. Markey
United States Senator



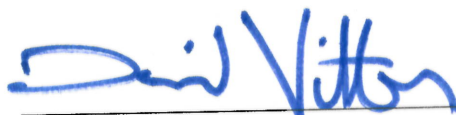
Mark Kirk
United States Senator



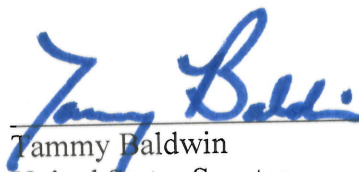
Susan M. Collins
United States Senator



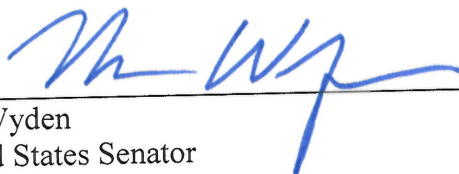
Barbara A. Mikulski
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David Vitter
United States Senator



Tammy Baldwin
United States Senator



Ron Wyden
United States Senator



Steve Daines
United States Senator



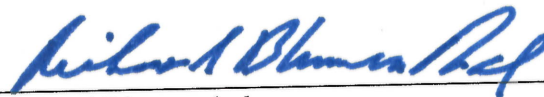
Al Franken
United States Senator



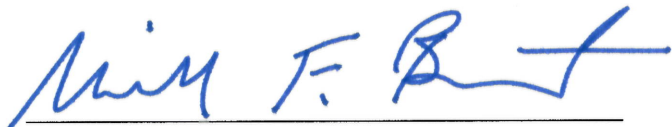
Sheldon Whitehouse
United States Senator



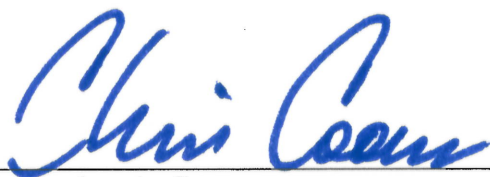
Barbara Boxer
United States Senator



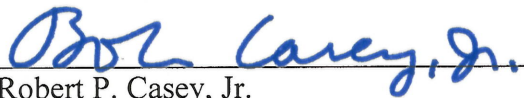
Richard Blumenthal
United States Senator



Michael F. Bennet
United States Senator



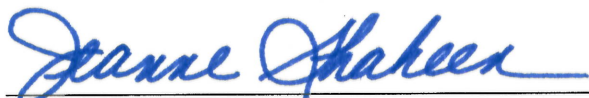
Christopher A. Coons
United States Senator



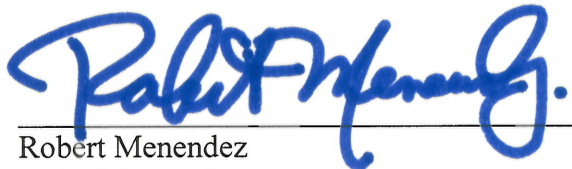
Robert P. Casey, Jr.
United States Senator



Bernard Sanders
United States Senator



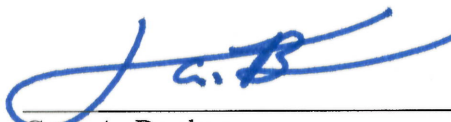
Jeanne Shaheen
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Robert Menendez
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Charles E. Schumer
United States Senator



Cory A. Booker
United States Senator



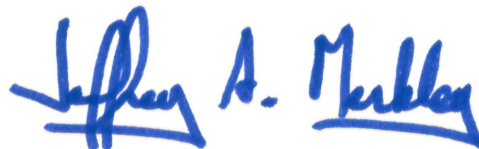
Kirsten Gillibrand
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Gary C. Peters
United States Senator



Brian Schatz
United States Senator



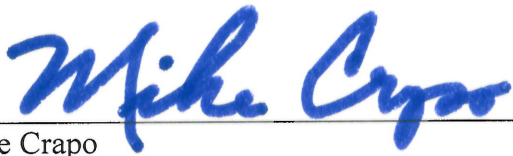
Jeffrey A. Merkley
United States Senator



Thomas R. Carper
United States Senator



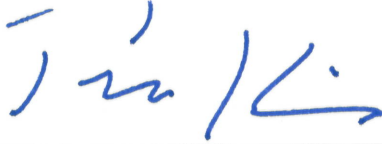
Maria Cantwell
United States Senator



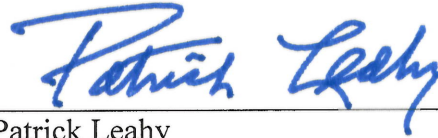
Mike Crapo
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Richard J. Durbin
United States Senator



Tim Kaine
United States Senator



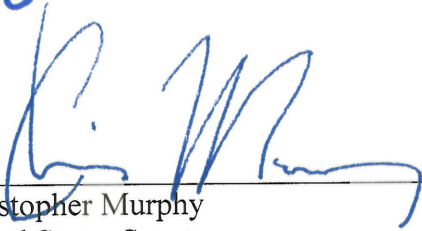
Patrick Leahy
United States Senator



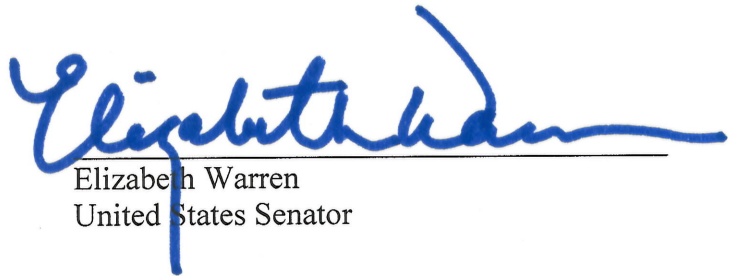
Jack Reed
United States Senator



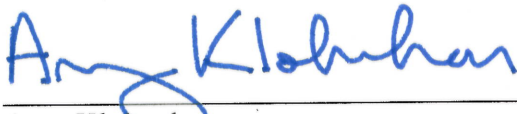
Sherrod Brown
United States Senator



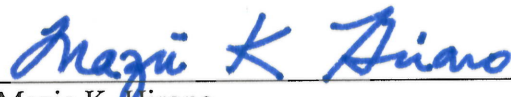
Christopher Murphy
United States Senator



Elizabeth Warren
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Amy Klobuchar
United States Senator



Mazie Hirono
United States Senator