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Past President of the American College of Veterinary Pathologists
10. Dr. Scott D. Stanley, Ph.D Toxicology, BS Animal Science

MEETING AT THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS

Monday, July 11, 2016

10:30 a.m.

1800 G. Street N.W.
9th Floor

Stephen B. Smith
Haury & Smith
7065 Moores Lane, Suite 300
Brentwood, TN 37028

5 Term and current President of the Tennessee Walking Horse
Breeders and Exhibitors Association (TWHBEA)

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The Tennessee Walking Horse Breeders and Exhibitors Association

The Tennessee Walking Horse Breeders' and Exhibitors' Association (TWHBEA), headquartered in Lewisburg, Tennessee, is the oldest and most prestigious organization devoted to the promotion of the breed. Founded in 1935, the breed registry was established to record the pedigrees of the Tennessee Walking Horse. Its goal is to maintain the purity of the breed, to promote greater awareness of the Tennessee Walking Horse and its qualities, to encourage expansion of the breed, and to help assure its general welfare.

There are more than 500,000 registered Tennessee Walking Horses throughout the world. TWHBEA protects the investment of Tennessee Walking Horse owners by establishing policies and requirements, and maintaining the breed registry. A 12-person Executive Board, selected from the International Board of Directors representing members in all 50 states and several foreign countries, plays the key role in establishing these policies. The success and popularity of the Tennessee Walking Horse is the result of thoughtful organization and strong leadership by the Tennessee Walking Horse Breeders' and Exhibitors' Association, and it is the essential organization for the continued success of the breed.

The Executive Committee of TWHBEA voted Friday, February 19th, to unanimously approve Project Pegasus.

Project Pegasus

This venture invests with the Walking Horse Equine Federation to coordinate several world-renowned equine veterinarians and other nationally renowned experts to develop scientific, predictable, pre-show objective tests for the sole purpose of protecting the Tennessee Walking Horse and their exhibitors. The singular standard is the health of our horse. The goal of Project Pegasus is to preserve and protect our show horse for generations.

The Tennessee Walking Horse Breeders' and Exhibitors' Association, the oldest and most prestigious Walking Horse organization in the world, will lead this project with a \$125,000 donation made possible by the association, private donations, and contributions by all senior staff and Executive Committee members. The fund will be managed by the directors of the Tennessee Walking Horse Foundation.

Project Pegasus has three objectives. The paramount goal will be to ensure that every Tennessee Walking Horse shown in competition is safe, sound, and healthy. The second goal will be to guarantee a scientifically objective, fair, predictable, and accurate pre-show inspection. A healthy and vibrant show circuit remains the final goal. As Vice President of TWHBEA, Nancy Lynn Greene states, "a healthy show circuit is not only vital but is *directly related* to the success of the breed."

Project Pegasus was implemented in May, 2016 and is an ongoing viable effort which hired the best and most distinguished experts, Dr. Paul C. Stromberg, DVM, PhD, Diplomate ACVS, Professor Emeritus and Dr. Scott D. Stanley, DVM PhD Toxicology, BS Animal Science, to develop tissue rules and expanded drug and medication testing protocols and analyze micro-chipping.

VETERINARY ADVISORY COMMITTEE (VAC)
HISTORY AND ACCOMPLISHMENTS

Dr. Jerry H. Johnson, Chairman

Dr. Phillip D. Hammock, Member

Established June, 2014 at the request of the Tennessee Walking Horse National Celebration (TWHNC) with the support of the industry, in conjunction with the Tennessee Walking Horse Breeders and Exhibitors Association (TWHBEA) to develop detailed objective testing standards.

VAC MISSION STATEMENT

In 2014 the Tennessee Walking Horse National Celebration requested the formation of a group of totally independent, non-conflicted, highly qualified and renowned equine veterinarian experts, to be established for the purpose of elevating and enhancing the welfare of all horses competing at the 2014 Walking Horse National Celebration. Upon identification of qualified veterinarians, a Committee was established, known as the Veterinary Advisory Committee (VAC), to independently establish objective testing procedures and other recommendations utilizing generally accepted veterinarian medical principles which could exceed any requirement of the Horse Protection Act or its regulations which in the VAC's sole discretion would enhance the welfare of the horse.

As a result, the Veterinary Advisory Committee was formed and has as its sole mission to develop and implement objective testing protocols, monitoring procedures, stabling requirements, drug and medication guidelines, in a totally independent, fair, equitable and objective manner, avoiding all conflicts of interest. As a condition of serving, the VAC members require absolute and total independence.

The VAC is not involved and does not participate in any HIO or USDA inspection procedures, but separately and independently performs additional objective tests, including but not limited to, drug and medication testing and digital x-rays which in the Veterinary Advisory Committee's sole discretion will enhance the welfare of the horse.

It is also the mission of the VAC that a new HIO be established pursuant to the USDA guidelines with the purpose of utilizing highly skilled, non-conflicted decision makers being advised by highly trained and knowledgeable equine veterinarian professionals to enact programs and procedures which are in compliance with the Horse Protection Act and its Regulations and such additional standards and practices which place the welfare of the Tennessee Walking Horse as a priority. Further, the mission of this HIO is to eliminate uncertainty of pre-show inspection by utilizing professional, non-conflicted, trained individuals, blood testing and other objective testing rules and standards adopted which are consistent with generally accepted veterinarian principals which exceed the requirements of the Horse Protection Act and enhance the welfare of the Tennessee Walking Horse in shows, sales and exhibitions.

2014 Tennessee Walking Horse National Celebration:

Observed all horses on the grounds during the 18 day show

Blood was drawn on 407 entries and tested for every class winner of the TWHNC and all TWHBEA Futurity Show class winners. Random horses were tested as well. Results: 51 violations on 39 individual horses. Several entries had multiple violations (4 entries had 22 of the violations).

Approximately 40% of the violations were horses which did not utilize action devices.

Digital x-rays were done on 131 entries, including every World Grand Champion winners with state of the art equipment with images incapable of being altered.

Removal of shoes of 10 World Grand Champion winners, being at least 1 entry from each class category. The VAC confirmed that there was NO evidence of improper shoeing.

2015 Tennessee Walking Horse National Celebration:

Revised and published objective standards, rules and requirements.

Hosted Public Forum to present protocols.

UC Davis Laboratory tested 70 blood samples from entries. Results by Dr. Scott Stanley: "The efforts put forward to communicate the medication rules, along with thresholds and withdrawal guidelines made the desired impact. The overall results are amazing and the compliancy with the new rules is outstanding considering the large number of participants. Congratulations on hosting a most successful Tennessee Walking Horse event!"

Digital x-rays were taken on 70 entries, including all TWBEA Futurity winners and NO VIOLATIONS found.

No inappropriate entries were observed.

Observed and consulted with Dr. Paul Stromberg in independent tissue examinations

Applied February, 2015 for Certification of HIO pursuant to the regulations. Walking Horse Equestrian Federation (WHEF) HIO approved November 4, 2015.

WHEF MISSION STATEMENT

To utilize highly skilled, non-conflicted decision makers being advised by highly trained and knowledgeable professionals to enact programs and procedures which are in compliance with the Horse Protection Act and its Regulations and such additional standards which place the welfare of the Tennessee Walking Horse as a priority.

Further, the mission of this HIO is to eliminate uncertainty of pre-show inspection by utilizing professional, non-conflicted, trained individuals, blood testing and other objective testing rules and standards adopted which are consistent with generally accepted veterinarian principals which exceed the requirements of the Horse Protection Act and enhance the welfare of the Tennessee Walking Horse in shows, sales and exhibitions.

February 23, 2016 formal request made to APHIS Director Kevin Shea for cooperation and exchange of information. **NO REPLY NOR ACKNOWLEDGEMENT RECEIVED.**

May, 2016 the VAC entered into Memorandum of Understanding with the Tennessee Walking Horse Breeders Foundation:

“The Foundation is desirous of engaging the VAC for the purpose of establishing tests and guidelines to insure the welfare of all Tennessee Walking Horses showing and competing by utilizing accepted veterinary medical principles to establish objective testing protocols which are identifiable, understandable, teachable and enforceable inspection procedures in compliance with the requirements of the Horse Protection Act and its regulations, the goal being to eliminate the uncertainty of pre-show inspections which currently exist.”

May, 2016 to current:

Aggressively examining options for objective testing by retained independent consultants Dr. Paul Stromberg and Dr. Scott Stanley.

Consulting with numerous non-conflicted equine veterinarians for input and suggestions.

Investigating micro-chipping.

Developing methodology for training and implementation of objective testing.

Request to APHIS Director Kevin Shea for cooperation
with the Veterinary Advisory Committee and the Walking Horse Equestrian Federation

A complete copy of the February 23, 2016 letter, sent by Federal Express, is attached hereto. The specific request made was:

“It is the WHEF’s opinion that a viable and effective partnership with the USDA must be established in order to set forth appropriate standards for the detection of soring and to do that, information and protocols should be shared and analyzed utilizing the foremost experts in the field to establish testing protocols, threshold limits and define procedures in such a manner as to objectively and more thoroughly address the issue of any soring, masking or drugging agents. In that the WHEF is currently developing a complete set of rules and procedures to be implemented, I would appreciate it if you would advise me at your earliest convenience as to when and how the additional information requested on your report could be obtained and discussed, in order that the WHEF can utilize its independent experts and advisors to incorporate the USDA’s appropriate procedures in its protocols.”

To date, the Veterinary Advisory Committee has not received any response or acknowledgement

BLANKENSHIP AND HAAS
ATTORNEYS AT LAW

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February 23, 2016

Mr. Kevin Shea
APHIS Administrator
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Re: USDA, APHIS Horse Protection Program, Foreign Substance Report

Dear Director Shea,

Please allow me to again introduce myself as representative of the Walking Horse Equestrian Federation (WHEF), a certified HIO which is actively in the process of developing its rules and protocols to insure the welfare of the horse and the non-conflicted application of all laws and regulations.

During my meeting with you, your staff and others, it was unequivocally represented that the WHEF's desire and firm commitment is to be a partner with the United States Department of Agriculture for the mutual goal of eliminating soring. As the application represented, WHEF is intent on utilizing the partnership in furtherance of the standards required by the Horse Protection Act and its regulations by utilizing objective testing to insure full and complete compliance and eliminate the uncertainty of the pre-show inspection process.

I am extremely concerned regarding the Foreign Substance Report issued by your office for the period October 1, 2014 to September 30, 2015, wherein it indicates that the violations constitute soring practices. The WHEF is actively seeking data and information to be utilized in objective testing to eliminate soring issues. The organization would appreciate receiving further information on how the report statistics were obtained, the collection procedures, test methods, controls, substance levels, prohibited threshold limits, what constituted the basis to determine soring, and any other information which can be utilized and incorporated by the WHEF in its inspection protocols.

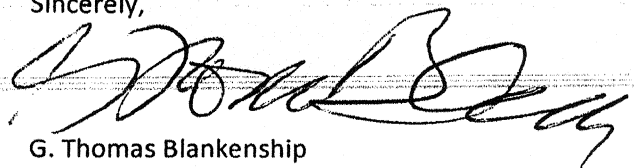
As you may remember, the WHEF predecessor, the Veterinary Advisory Committee (VAC), instituted drug protocols which were conducted during the 2014 Tennessee Walking Horse National Celebration, testing over 240 horses. This was the first time that broad-based specific drug testing protocols have been utilized by any Tennessee Walking Horse organization, public or private. As a result of the statistics and findings from said testing, penalties were assessed for violations above the threshold limits. The VAC then employed the services of Dr. Scott Stanley, Laboratory Director of the UC Davis Laboratory to assist in evaluation of the results collected and to further refine and develop new protocols and standards which are breed specific, while taking into consideration the blood test protocols and threshold limits from other breeds such as the USEF, FEI and other equine disciplines.

Those protocols were then defined, developed and published. I am pleased to report that every Celebration World Grand Champion, every Tennessee Walking Horse Breeders and Exhibitors Association Futurity winner, as well as other horses randomly selected were tested for drugs at the 2015 Celebration pursuant to published protocols and after strict chain of custody procedures and specific storing and shipment protocols, UC Davis completed a thorough analysis. No violations were found. This would appear to be in direct contradiction of your report.

It is the WHEF's opinion that a viable and effective partnership with the USDA must be established in order to set forth appropriate standards for the detection of soring and to do that, information and protocols should be shared and analyzed utilizing the foremost experts in the field to establish testing protocols, threshold limits and define procedures in such a manner as to objectively and more thoroughly address the issue of any soring, masking or drugging agents. In that the WHEF is currently developing a complete set of rules and procedures to be implemented, I would appreciate it if you would advise me at your earliest convenience as to when and how the additional information requested on your report could be obtained and discussed, in order that the WHEF can utilize its independent experts and advisors to incorporate the USDA's appropriate procedures in its protocols.

Thank you in advance for your cooperation. We are looking forward to a fruitful and cooperative partnership.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Thomas Blankenship", written in a cursive style.

G. Thomas Blankenship

CC: Tennessee Walking Horse Breeders
and Exhibitors Association

HISTORIC BASIS FOR A SUCCESSFUL ALTERNATIVE TO RULEMAKING

During the tenure of James S. Gilliland, General Counsel for the Department of Agriculture, the cooperation and dialogue regarding the application of the Horse Protection Act reached the highest level of effectiveness during the HPA era.

One major contributing factor was General Counsel Gilliland's instructions to then APHIS Director, Terry Medley, to establish an External Review Committee to examine objective and impartial measures to evaluate what could be done to improve procedures and report their findings and recommendations to the USDA for action to improve the enforcement of the HPA.

This same philosophy should be utilized at this time as a cost effective, more efficient and unquestioned probability of successful results.

All parties agree that the intent and purpose of the Horse Protection Act has not been effectively accomplished in over 45 years. The subjective nature of the attempts to enforce the HPA has led to agenda-driven, bias and has destroyed any semblance of a working relationship between the industry and the USDA. The unequivocal fact that inspections are unreliable as a result of the total subjectivity and failure to utilize objective standards.

The current inspection process is not working. Rulemaking would be contentious, counterproductive and has historically led to litigation.

This concept is confirmed in several Presidential documents, including Circular A-4, September 17, 2003, and Executive Order 13610, May 10, 2012. Quoting from EO 13610 signed by President Obama:

“ . . . To the extent practicable and permitted by law, agencies shall also give special consideration to initiatives that would reduce unjustified regulatory burdens or simplify or harmonize regulatory requirements imposed.” And further,

“ . . . give priority to reforms that would make significant progress in reducing those burdens”

REQUEST FOR SPECIFIC ACTION AS AN ALTERNATIVE TO RULEMAKING

A committee be formed comprised of non-conflicted, unbiased equine veterinarian experts to review, analyze and develop scientifically based, objective inspection protocols which comply with the intent of the Horse Protection Act, eliminate the subjectivity of show inspections, and place the welfare of the horse at the forefront.