

March 14, 2023

To Whom It May Concern:

Thank you for allowing us to send this follow up letter per our discussion points mentioned on our call yesterday. We appreciate your willingness to hear from both the American Veterinary Medical Association (AVMA) and American Association of Equine Practitioners (AAEP).

As you are aware, both the AVMA and AAEP condemn the practice of soring to accentuate a horse's gait for training or show purposes, and support the Animal and Plant Health Inspection Service's ongoing efforts to enforce the Horse Protection Act (HPA). We applaud the U.S. Department of Agriculture moving forward revising the current Rule to amend the HPA regulations in ways that are necessary to protect the welfare of horses and look forward to the Proposed Rule being published soon.

While we were pleased with the final Rule presented in 2017, since the completion of the Consensus Study Report of the National Academies of Sciences, Engineering and Medicine in 2020, and its recommendations, in "*A Review of Methods for Detecting Soreness in Horses*," we wish to offer additional thoughts as a new Proposed Rule is being developed. These points have been shared previously with USDA/APHIS as well.

AVMA and AAEP requested elements for inclusion in the new Horse Protection Act rule

The rule must include these provisions which were in the final 2017 rule:

- Prohibition of all action devices, except for certain boots, on any Tennessee Walking Horse or racking horse at any horse show, exhibition, sale, or auction. Prohibition of all pads and wedges on any Tennessee Walking Horse or racking horse at any horse show, exhibition, sale, or auction, unless use of these pads on such horse has been prescribed and the animal is receiving therapeutic, veterinary treatment using pads or wedges.
- Ending the HIO system of self-policing using industry inspectors to detect violations, and in its place creating a system in which third-party independent inspectors who are either veterinarians or vet techs knowledgeable about horses are licensed, trained and overseen directly by USDA. Must also include that APHIS will establish the licensing eligibility requirements to reduce conflicts of interest.

- Maintain that show management will still pay for inspectors, as they do now, so taxpayers would not incur a new expense.
- Maintain that management of HPA-covered events must, among other things, submit certain information records to APHIS, provide HPIs with access, space, and facilities to conduct inspections, and have a farrier physically present to assist HPIs at horse shows, exhibitions, sales, and auctions that allow Tennessee Walking Horses or racking horses to participate in therapeutic pads and wedges if more than 150 horses are entered, and have a farrier on call if 150 or fewer horses are entered.

We request that the provisions of the 2017 rule be strengthened to include:

- That weighted shoes be included in the prohibitions on devices allowed at covered events. These shoes have been shown to be involved in the soring process, and would be prohibited by the PAST Act. A September 2016 clarification of the first version of the rule that was finalized in 2017 contained this prohibition (“The use of any weight on horses, except a keg or similar conventional horseshoe is prohibited.”), although it was not included in the final rule.
- That the same prohibitions on shoes, pads, wedges and action devices be also applied to Spotted Saddle Horses. This breed has also been victimized by soring through the use of some of the devices that would be prohibited by the PAST Act and the 2017 rule. The first version of that rule extended these prohibitions to any “related breed that performs with an accentuated gait that raises concerns about soring” which could have included Spotted Saddle Horses – but the final rule included only Tennessee Walking and Racking Horses.
- Scar rule: the NASEM committee recommended a revision to the scar rule contained in the current regulations and proposed new language. We reviewed that language and felt that it could be made clearer and stronger; we will provide our proposal to do so.

Conclusion

The AVMA and AAEP support APHIS’ efforts to strengthen enforcement of the HPA. Changes to the HPA regulations are clearly needed and justified. We appreciate the opportunity to comment and provide needed feedback on behalf of our organizations’ memberships.

Sincerely,
 Mark Lutschaunig, AVMA
 Whitney Tyler, AVMA
 Keith Kleine, AAEP

About the AAEP

The AAEP, headquartered in Lexington, Kentucky, was founded in 1954 as a non-profit organization dedicated to the health and welfare of the horse. Currently, the AAEP

reaches more than 5 million horse owners through its nearly 9,400 members worldwide (nearly 7,900 in the United States) and is actively involved in equine welfare and ethics issues, practice management, research, and continuing education in the equine veterinary profession and horse industry.

About the AVMA

As one of the oldest and largest veterinary medical organizations, with more than 101,000 member veterinarians worldwide engaged in a wide variety of professional activities and dedicated to the art and science of veterinary medicine, the mission of the AVMA is to lead the profession by advocating for its members and advancing the science and practice of veterinary medicine to improve animal and human health. The Association has a long-term concern for, and commitment to, the welfare and humane treatment of animals.