

Sound Horse Conference – Columbus, OH
Future Plans for USDA Discussion Panel Questions – April 11, 2008
Panelists: Dr. Rachel Cezar, Mr. James M. Tuck

1. Why doesn't USDA prevent potential horse show participants from leaving shows once learning of USDA's presence?

Prior to attending a show to perform unannounced inspections, the Horse Protection Coordinator and the Veterinary Medical Officers (VMOs) who attend the shows and perform the actual inspections come up with a pre-show plan that would be difficult and possibly unsafe to diverge from or divulge to other parties. If we were to inspect the horses while in transport, we would have to plan for it. Logistically, this is difficult for us given the circumstances and our resources; however, we have considered the validity of this in the past, and when we are able to implement horse trailer inspection into our show plans in a way that is feasible and safe for USDA employees, affiliated Designated Qualified Persons (DQPs), and other affected parties we intend to include it as part of our enforcement plan. We have also been asked why we do not inspect the barn area, and once again, it is important to note that this is a possibility that has been considered and can be implemented when the circumstances allow.

2. How is it fair if USDA tests horses for foreign substances but then allows those horses to be shown with a penalty applied later...that means a sore horse can be named a winner?

Under the HPA, USDA does not have authority to interfere with show programs in such a manner that ensures that a compliant winner is always shown, especially given the fact that USDA attends a small minority of total shows put on each year. When VMOs collect samples to test for banned substances on horses (these substances include masking, numbing or counterirritant agents), samples are sent to USDA's National Veterinary Services Laboratories for testing and the results do take about two weeks to get back. Our focus is and has always been ensuring the accuracy of our test results, and now that we have at our disposal a more accurate test, it makes sense to use the best tests and results and apply a post show penalty when necessary.

3. How can private organizations assist USDA in purchasing thermography cameras and other technologies, or help the department to solidify additional security for shows?

In terms of technology, private organizations, more specifically HIOs, can purchase thermography cameras (which can cost about \$16,000) or other technologies used by USDA in HP enforcement for their own DQPs to use during inspections and depending on the results can apply the penalties

outlined in the HP Operating Plan without USDA involvement. USDA would certainly be willing to assist the HIOs in becoming trained in the use of thermography. The security issue is a question we will have to look into. Technically HIOs could provide security for their DQPs and, consequently, our VMOs; however, because our inspections are unannounced this may not be possible to coordinate. What is possible is to encourage a culture that does not view USDA as an enemy, and we welcome any help the HIOs can provide us in that regard.

4. What are the penalties once a Federal case is initiated?

The penalties for violators in Federal cases range from monetary penalties to disqualifications depending on whether it is a 1st, 2nd, or 3rd offense. Complete penalty protocols for Federal cases are outlined in the HPA regulations which can be viewed on the APHIS Web site.

5. In the 2007 statistics, there were 100 Federal investigations open and 21 still in OGC. What is the status of the remaining 79?

When USDA initiates a formal investigation, information is passed from APHIS' Animal Care program to APHIS' investigation arm. APHIS investigators collect and review evidence and after their review is complete, a determination is made as to whether or not to file a complaint in court. Filing a complaint in court is the action that begins a Federal Case. We initiated 100 formal investigations in 2007. And, at that time, our legal office was still reviewing 21 cases from various years.

6. How will thermography be used in 2008?

Thermography will be used as an additional diagnostic tool in conjunction with the physical examination procedures already used by VMOs and DQPs to detect soring. Our plan is, prior to the physical inspection, to use the thermography camera to capture an image of the front limbs and hooves of the horse being inspected. A VMO can review the image immediately and note any evidence of abnormalities in the front limbs and hooves of the horse. This image will show whether or not there are abnormalities that may be indicative of inflammation, foreign substance, or possibly pressure shoeing. The image can also tell us when an inspection may require further evaluation. Further evaluation can include visual detections of lameness, palpation of the horse's legs, pulling of its shoes, a foreign substance swab test, or a post-show examination.

7. Why hasn't USDA reported Horse Protection program results to Congress for the last eight years?

USDA wants to provide as much information regarding the administration of the HPA to the public as possible. However, due to resources, and

problems with data collection, among other issues, there has been a lapse in the years when we have been able to issue these results in report form. We are working to resume releasing information regarding HP enforcement in report form in the very near future.

8. You mentioned that the sniffer or gas chromatography foreign substance findings will first get a Letter of Warning. Will these letters of warning be on public record or confidential?

Copies of letters of warning can be obtained by filing a Freedom of Information or Privacy Act request as there are confidentiality concerns with their release. Those concerns would more than likely prevent us from posting copies of the letters online.

9. Why aren't HPA cases prosecuted criminally?

The Horse Protection Act is an administrative law. This means that by and large Federal cases regarding violations of the Act are handled and decided by USDA's administrative law judges. There are provisions that allow for criminal processing of HPA violators; however given our resources and the penalty protocols already in place, it is typically preferable to pursue HPA cases through the administrative process.