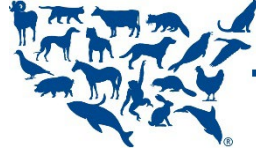




**HUMANE SOCIETY**  
LEGISLATIVE FUND™



**THE HUMANE SOCIETY**  
**OF THE UNITED STATES**

September 21, 2022

The Honorable Frank Pallone  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy and Commerce  
2322-A Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Jan Schakowsky  
Chairwoman, Subcommittee on Consumer  
Protection and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Gus Bilirakis  
Ranking Member, Subcommittee on  
Consumer Protection and Commerce  
2322-A Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairs Pallone and Schakowsky and Ranking Members McMorris Rodgers and Bilirakis:

As the Senior Director on Equine Protection for the Humane Society of the United States, I am writing on behalf of my organization and the Humane Society Legislative Fund to thank you for holding today's markup and to voice our unequivocal support for passage of the Prevent All Soring Tactics (PAST) Act, H.R. 5441, without any weakening amendments.

I have been involved in the Tennessee Walking Horse industry for over 50 years, as an owner, breeder, amateur trainer and exhibitor. I am a horse show judge licensed to adjudicate shows in many gaited breeds, including Tennessee Walking Horses, Racking Horses and Spotted Saddle Horses. I have judged horse shows across the U.S. and in Canada and Europe.

I have served as president of several state and local Tennessee Walking Horse associations and two national organizations which I helped to found (International Plantation Walking Horse Association and Friends of Sound Horses (FOSH)), which were created to promote and protect the Tennessee Walking Horse and other gaited breeds and provide a level playing field for exhibitors of those horses, free from animal cruelty and abuse and in compliance with the law. I also served as FOSH's director of judges and liaison to USDA for the organization's agency-certified Horse Industry Organization inspection program. I served as the Maryland Director for the Tennessee Walking Horse Breeders and Exhibitors Association (TWHBEA), the breed registry formed in 1935 and the largest and oldest organization in the breed. I have devoted much of my life to the protection and preservation of the Tennessee Walking Horse breed.

In my role at the Humane Society of the United States, I have worked for over 15 years to end the cruel practice of horse soring and am the organization's subject matter expert on this issue.

### **Methods of horse soring**

Congress passed the Horse Protection Act (HPA) in 1970 to bring about an end to the cruel practice of soring which had by then become a commonplace method used among the upper echelons of the Tennessee Walking Horse show industry to cause pain to the legs of horses, to force an accentuated, unnaturally high-stepping gait known as the "Big Lick" to win ribbons in the show ring. But deficiencies in the law, underfunding, weak enforcement, and political pressure from industry insiders have allowed the perpetuation of this cruelty by a small subset of this industry.

Only about 10% of those involved with showing Tennessee Walking Horses and related breeds engage in soring – the rest of the industry wants nothing to do with this cruelty, and recognizes that it's not only immoral but bad for business, as the stigma of soring has driven down breeding fees and prices for horses and driven away spectators and corporate sponsorships.

The many methods used to sore horses – which all aim to make it excruciating for them to put weight on their front legs, so they fling them high in the air every time they step down – include:

- The use of caustic chemicals on the pasterns of horses to cause intense pain, which is further heightened by the application of metal chains or rollers (action devices) which strike the raw pastern when the horse is ridden. There is very little reason to use an action device on the pastern of a Walking Horse unless the horse has been sored, because such a device will create nothing more than a mild, temporary annoyance on a horse that has not been sored. The action devices used are part and parcel of the soring process.
- The use of multiple, often overweight chains on the pastern of the horse during training (often in combination with chemicals described above, intended to have the same pain-inducing effect). These are prohibited under current regulations at shows, but not in the training barn, where the horses are conditioned to perform the Big Lick gait.
- The use of tall platform shoes, or "stacks" instead of normal horse shoes, that force the horse to stand at an unnatural angle, causing pain to tendons and joints.
- Mechanical soring, accomplished by pressure shoeing (using a variety of methods to cause pain to the hoof wall or sole of the horse), such as:
  - cutting or grinding the horse's sole down to the sensitive laminae (the "quick") and inserting sharp or hard foreign objects between the sole and the stack;
  - the overtightening of bands (the purported purpose of which is to hold the stack on the horse's hoof), used like a vise to squeeze the hoof to the point of causing pain;
  - the driving of wedges between the overtightened stack and the hoof, to intensify the effects of the bands;

- the standing of horses on metal bolts or blocks of wood, on concrete, for extended periods of time to cause extreme pain to the sole of the hoof;
- and a host of other practices intended to cause pain – all of which are practically if not virtually undetectable unless the entire attachment is removed from the hoof at the show, and the sole of the hoof examined – which has never been adopted as a standard inspection methodology.

**Methods used to hide evidence of soring, avoid detection and penalties under the law**

There are many lengths to which sorers will go to evade detection of (and prosecution for) their illegal activity, and many methods of camouflaging it to circumvent the law:

- Stewarding – teaching a horse not to react to pain during inspection, by conducting mock inspections in the training barn whereby a handler punishes the horse when it flinches upon examination of its pasterns, by striking it about the head or neck with a blunt object
- Use of numbing agents (topical/injectable drugs, ice water, etc.) to mask pain during inspections – and/or masking agents to cover up evidence of soring scars (such as dark hoof polish, hair dye, glue-on hair);
- Use of painful, hidden distraction devices (alligator clips, bit burrs, zip ties) on various sensitive parts of the horse’s anatomy during inspection (so that it focuses more on the localized pain and does not react to the pain in its legs during examination);
- Switching of horses at shows - presenting one horse for inspection which has not been sored then substituting the actual sore entry which is ridden into the ring for competition;
- Ticket taking – the practice of falsely listing an individual as the trainer of a horse, who is often a barn hand or groom for which a trainer’s license has been secured by the horse’s actual trainer (who may already be on suspension for HPA violations, or is hoping to avoid being cited for such violations, and punished);
- Transferring of ownership to a relative while an owner serves an industry suspension or federal disqualification, so that the horse may continue to be shown, thereby neutralizing the whole point of suspending the owner;
- Registering horses in the names of minors to avoid citations and prosecutions.

**Horse Industry Organizations’ (HIOs’) failure to enforce, comply with law**

Inspectors at horse shows where soring is likely to occur typically examine the front legs of a horse to look for a pain response or any other abnormalities, including evidence of scarring indicative of soring, such as missing hair, scars, or cuts. As a result of a 1976 amendment to the HPA, USDA instituted an enforcement scheme that relies heavily on industry-run inspection programs for the detection of soring at the vast majority of covered horse shows, sales and exhibitions. Agency inspectors (veterinary medical officers – VMOs) attend only a small fraction of these events to inspect horses and oversee the efforts of industry inspectors.

As identified by the USDA's Office of Inspector General in a 2010 audit of the Horse Protection Program, in their enforcement of the HPA and regulations, several of the agency-certified Horse Industry Organization inspection programs have exhibited chronic non-compliance. Some examples of such HIO non-compliance include:

- Inspectors' failure to cite violations;
- Failure to apply penalties when violations are cited;
- Failure to enforce penalties, including the prohibition on violators' participation in shows while on suspension;
- Licensure of inspectors who themselves are industry participants with serious conflicts of interest.

Current USDA data shows that the same patterns as have been the case for years are ongoing. The data from 2018 to 2020 demonstrates that inspectors in the Walking Horse industry find only a fraction of the violations found by USDA inspectors.

- During that 3-year period, at the shows USDA attended, USDA inspectors found violations at a rate 403% higher than did industry inspectors.
- Also, industry inspectors found violations at a rate 606% higher when USDA VMOs were present, than when not.

In January 2021, a committee of the National Academies of Sciences, Engineering and Medicine released a [report](#) confirming that industry inspectors often conduct improper and inadequate examinations, and recommended that USDA rely solely on qualified veterinarians as inspectors, as the PAST Act encourages.

It's clear that industry inspectors are still turning a blind eye to soring and can't be trusted to find and cite violations. Industry inspectors have a clear conflict of interest and should not be given the responsibility for enforcing the law. PAST is needed as urgently as ever because soring abuse will never end unless industry self-policing is abolished.

### **Humane Society efforts to help Tennessee Walking horse show industry effect change**

The Humane Society of the United States supports and encourages the humane, responsible riding and exhibition of Tennessee Walking Horses, Racking Horses, Spotted Saddle Horses and horses of all breeds and disciplines. The organization has worked to identify violators of the HPA and state anti-soring laws and bring them to justice. Some of that work has included:

- Offering a reward of up to \$10,000 for tips leading to the arrest and conviction of individuals for violations of anti-soring laws. Often tipsters insist on remaining anonymous, citing a fear for the safety and even lives of themselves, their families and horses. In 2012 the HSUS paid a reward for information that led to the first-ever

successful criminal prosecution under the HPA, of industry trainer Barney Davis who stated: “every trainer sored horses....You have to. That’s the bottom line....Without the soring, without some kind of soring, the horse, they’re not going to do the Big Lick.”

- Conducting investigations into training barns which have allegedly sored horses, including that of Hall of Fame World Grand Champion-winning Collierville, Tennessee trainer Jackie McConnell, which sparked nationwide outrage about his brutal mistreatment of horses and resulted in his successful prosecution at the federal and state level and introduction of the precursor to the PAST Act.

Undercover investigations by the HSUS at top “Big Lick” training stables and the ongoing findings of soring at industry shows are undeniable proof that horses continue to suffer from widespread abuse more than 50 years after the Horse Protection Act became law, underscoring the urgent need for the PAST Act.

**PAST closes gaps in the HPA that have allowed torment of horses for the sake of a blue ribbon**

The Prevent All Soring Tactics Act, which already passed the House by an overwhelming bipartisan vote of 333 to 96 in the 116<sup>th</sup> Congress, will make urgently-needed reforms to end this torture of horses:

- End the failed system of industry self-policing. USDA will train, license, and assign inspectors to horse shows instead of having HIOs choose who conducts inspections. Shows will still have the option of hiring inspectors or declining to do so; show management who opt out will (as in current law) risk greater liability if soring is uncovered at their show.
- Ban the use of devices integral to soring. Chains, weighted shoes, pads, and other devices used on three specified breeds (to intensify pain and conceal foreign objects) will be expressly prohibited.
- Strengthen penalties. PAST authorizes criminal penalty of up to 3 years’ jail time for core offenses now subject to only misdemeanor; increased fines of up to \$5,000 per violation; for third violation, permanent disqualification from any horse show, exhibition, sale or auction; and mandatory disqualification of sore horses for increasing periods based on number of violations.
- Make the actual soring of a horse for the purpose of showing or selling it illegal, as well as directing another to do so.

PAST will have negligible taxpayer impact. In 2019, the Congressional Budget Office (CBO) estimated that the PAST Act would cost about \$2 million per year to implement. This fits within USDA’s budget for HPA enforcement. Congress boosted funding for this program to \$2.009 million for FY 2021 and to \$3.04 million for FY 2022; the House bill for FY 2023 provides \$4.096 million. PAST will allow USDA to utilize this modest budget in a more efficient way that actually gets the job done rather than wasting tax dollars on a futile effort to oversee the corrupt industry self-policing entities.

The PAST Act is endorsed by [hundreds of stakeholder groups and individuals](#), including the American Horse Council, U.S. Equestrian Federation, and 69 other national and state horse groups, the American Veterinary Medical Association, American Association of Equine Practitioners, the state veterinary organizations of all 50 states, key individuals in the Tennessee Walking Horse show world, National Sheriffs' Association, Association of Prosecuting Attorneys, and major newspapers in Kentucky and Tennessee (the states where soring is most prevalent). In public opinion polls conducted in 2020 in those two states, respondents across all categories – political affiliation, gender, age and geographic region of each state – voiced resounding support for the PAST Act's reforms (78% in KY and 82% in TN).

**PAST needed to help industry recover from damage inflicted by "Big Lick" horse show culture**

An industry faction that is comprised of people who do not value Walking Horses and who sore them in violation of the law is not an industry, but a criminal enterprise - and should be eliminated. When it is, the stigma associated with soring – which has damaged the reputation of the entire breed, devalued its horses, caused a tumultuous decline in the number of horses bred, registered and shown, as well as the number of shows held and spectators at those shows – will be lifted, and the breed will flourish, attract new participants and markets domestically and abroad, and once again contribute to the economy.

For over half a century, participants in this industry faction have worked to find ways to violate the law and evade detection. They have found one new way after another to sore horses, and to hide and camouflage their deeds from the eyes of inspectors. No other sector or competitive discipline in the horse industry relies on the intentional infliction of pain to achieve a performance that is prized and rewarded in the show ring. No other sector of the horse industry is based on circumvention of the law. The HIO inspection system, for the most part, is a house of deception built to obfuscate this illegal activity and deceive the media, the public, regulators and lawmakers. It is time that this chronic, institutionalized animal cruelty and the system created to reward, promote and condone it be brought to an end. Congress must enact the PAST Act to fix the Horse Protection Act, and to guarantee a level playing field in this industry, free of animal cruelty, as Congress originally intended.

Thank you again for holding this markup to consider this important bill. We fervently hope the committee and the full House will approve the PAST Act swiftly with no weakening amendments and it will be enacted in the 117<sup>th</sup> Congress.

Sincerely,

Keith Dane  
Senior Director, Equine Protection  
Companion Animals  
Humane Society of the United States