

= Horse Protection Act of 1970 =

The Horse Protection Act of 1970 (HPA) ; (codified 15 U.S.C. § § 1821 ? 1831) is a United States federal law , under which the practice of soring is a crime punishable by both civil and criminal penalties , including fines and jail time . It is illegal to show a horse , enter it at a horse show , or to auction , sell , offer for sale , or transport a horse for any of these purposes if it has been sored .

Soring is the practice of applying irritants or blistering agents to the front feet or forelegs of a horse , making it pick its feet up higher in an exaggerated manner that creates the movement or " action " desired in the show ring . Soring is an act of animal cruelty that gives practitioners an unfair advantage over other competitors . The Horse Protection Act is enforced by the Animal and Plant Health Inspection Service (APHIS) , a branch of the United States Department of Agriculture (USDA) . Although violations of the law are seen most often in the Tennessee Walking Horse industry , the Horse Protection Act covers all breeds .

Originally all inspectors were from APHIS , but a lack of funding led to a 1976 amendment to the act , which allows non @-@ USDA employees to be trained and certified as inspectors . This program has not always been successful , with some non @-@ USDA inspectors being more lenient on violators than others , and citations for violations tend to increase significantly when USDA inspectors are present at a show . Several methods are used to detect violations of the act , including observation , palpation and gas chromatography / mass spectrometry to identify chemicals on horses ' legs . Certain training techniques and topical anesthetics can be used to avoid detection by the first two methods . There have been a number of unsuccessful challenges to the act on the grounds on constitutionality , as well as challenges on varying other issues . In 2013 , an amendment to the act was proposed in the United States House of Representatives . The amendment would allow only USDA employees to perform inspections , toughen penalties for violations , and outlaw the use of action devices and " stacks " , or layers of pads attached to the bottom of the front hooves .

= = Background = =

Soring began in the 1950s with gaited horse trainers who were looking to improve their chances of winning at horse shows . To do this , they developed methods to enhance the desired high action gaits to levels greater than that produced by traditional training methods . Thus began the use of irritants , including chemicals and physical objects , or abusive shoeing and hoof @-@ trimming practices on the front legs . Attempting to relieve the pain in its legs , a sored horse lifts its front feet off the ground more quickly , creating a flashier gait . By the 1960s , soring had gained popularity , as horses so treated gained an edge in competition . However , public opposition to the practice also grew , and in 1966 , the American Horse Protection Association was created in part to address the issue of soring . In 1969 , Senator Joseph Tydings sponsored legislation to prohibit soring , leading to the passing of the Horse Protection Act in 1970 , amended in 1976 . While Tennessee Walking Horses , Racking Horses and other " high @-@ stepping breeds " are generally targeted by these abusive practices , the Horse Protection Act covers all breeds .

Soring is defined by the HPA with four meanings :

(3) (A) an irritating or blistering agent has been applied , internally or externally , by a person to any limb of a horse ,

(B) any burn , cut , or laceration has been inflicted by a person on any limb of a horse ,

(C) any tack , nail , screw , or chemical agent has been injected by a person into or used by a person on any limb of a horse , or

(D) any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse , and , as a result of such application , infliction , injection , use , or practice , such horse suffers , or can reasonably be expected to suffer , physical pain or distress , inflammation , or lameness when walking .

= = Contents = =

The Horse Protection Act is found in Title 15 of the United States Code , which covers commerce and trade . Section (§) 1821 covers the definitions of the terms used in the act and § 1822 details the Congressional statement of findings . The requirements placed upon horse shows and exhibitions are covered in § 1823 . § 1824 covers the core provisions of the act , prohibiting the " shipping , transporting , moving , delivering , or receiving of any horse which is sore " as well as the actual showing , exhibition , entry into a show , sale , or auction of a sore horse , including offering a sore horse for sale , as well as outlining the responsibilities of show management and recordkeeping requirements . The export of horses is covered in § 1824a . § 1825 covers penalties for violations detailed previously in the act , which may be civil or criminal , with fines of up to \$ 50 @, @ 000 and imprisonment of up to five years . § 1826 details the required notice of violations to the Attorney General of the United States . The utilization of USDA and state government staff is covered in § 1827 , as is non @-@ financial assistance to states . Rules and regulations pertaining to the act 's statutes are covered in § 1828 . § 1829 covers federal preemption of state laws , concurrent jurisdiction , and prohibitions on certain state actions . § 1830 is currently reserved for future use , and § 1831 details the authorization of appropriations for expenses related to the enforcement of the provisions of the act .

= = Implementation = =

As originally enacted , the Horse Protection Act was to be enforced by Animal and Plant Health Inspection Service (APHIS) , a branch of the USDA . However , a lack of staff and funding meant little success , leading to the 1976 amendment to the act . With this amendment , Congress created a Designated Qualified Person (DQP) program . This program allows non @-@ USDA employees from within the equine community to take training and certification programs run by Horse Industry Organizations (HIOs) and supervised by the USDA ; after completing the training , they may complete inspections for violations of the HPA at public events . The USDA is then able to double check the work of DQP participants by making random inspections at a small number of shows . One member of the Tennessee Walking Horse world states that this creates " the potential for a " fox guarding the chicken coop " situation " , as if the HIO is not fully interested in preventing or detecting the practice of soring , the DQPs may not be fully trained or may deliberately overlook instances of soring . When APHIS inspectors are present at horse shows , the number of citations for violations increases significantly . Competitors and trainers at shows , viewing themselves as unjustly persecuted , have been known to leave when they find APHIS inspectors present , rather than allowing the inspectors to see their horses . In June 2012 , the USDA published a new rule requiring violations found by HIOs to have penalties assessed at a rate equal to or exceeding those given by APHIS inspectors . Previously , HIOs were allowed to set their own penalty rates , resulting in some organizations acting leniently towards violators of the HPA .

For the first decades following passage of the act , foreign substances applied to the legs , including chemicals , were detected by feel , sight or smell . Since 2006 , the USDA has used gas chromatography / mass spectrometry to identify chemicals found on horses ' legs at events . Samples of suspicious substances are swabbed at the show , and sent to a laboratory for analysis ; owners and trainers are later informed of the results . However , this method is only used by APHIS veterinary medical officers at present .

Soring can be also detected by observing the horse for lameness , assessing its stance and palpating the lower legs . Some trainers evaded detection from inspectors by training horses not to react to the pain that palpation may cause , often by severely punishing the horse for flinching after the sore area is touched . The practice is called " stewarding " , in reference to the horse show steward . Others use topical anesthetics , such as lidocaine and benzocaine , which are timed to wear off before the horse goes into the show ring . Use of chemicals can be completely avoided if pressure shoeing is also used . This process involves placing some type of hard foreign object (such as a small piece of wood , stone , hard acrylic , or sharp object such as a tack or nail) against the sole of the horse 's foot before applying the horseshoe and pads . It can also be done by

trimming down the horse 's hoof to its sensitive structures , then shoeing . Either method causes pain when the horse places its foot on the ground .

= = Impact = =

There have been a number of challenges to the Horse Protection Act on the grounds of constitutionality , mainly regarding due process and equal protection , none of which were successful . Courts have also ruled on other issues with regard to the act , including whether knowledge of soring or intent to sore is required in order to prove a violation of the act , and courts have repeatedly held that it is not . The issue of digital palpation , one of the main methods used by inspectors to find and verify soreness , has been contested in several courts , and is the only issue that has had courts come to varying conclusions on its legitimacy . The majority of courts with appeals rising to the Circuit Court level , have held that palpation is a legitimate method for identifying soreness , and that soreness found through palpation is grounds for penalties under the Horse Protection Act . However , in a decision promulgated by the Fifth Circuit Court , it was found that soreness found through digital palpation alone was not sufficient evidence upon which to base penalties .

The largest association in the United States for equine veterinarians , the American Association of Equine Practitioners (AAEP) , called the practice of soring " one of the most significant welfare issues affecting any equine breed or discipline " after releasing a white paper on the subject in 2008 . The organization pointed out that despite over three decades of work , the HPA law had failed to prevent sored horses from being trained , shown , and sold . The AAEP blamed this failure on what they called the " woefully inadequate " level of funding for enforcement , which the law caps at \$ 500 @, @ 000 annually . The federal Office of Inspector General found in 2010 that the self @-@ enforcement system of HIOs and DQPs was inadequate for eliminating the practice of soring . This led to the June 2012 strengthening of penalty systems .

In 2010 , the Friends of Sound Horses launched a website containing the names of the over 8 @, @ 700 people who had received suspensions from the horse showing and training world under the Horse Protection Act between 1986 and 2010 . This list was developed as part of the USDA Horse Protection Operating Plan for 2007 ? 2009 , and supported by most of the USDA @-@ certified HIOs . Despite the work being done to dissuade trainers from soring horses , APHIS inspectors found hundreds of violations in the course of their work during the 2012 year .

= = = Proposed amendments = = =

Since the 1976 amendment , there have been several other proposed changes to the act , all unsuccessful so far . In 2005 , HR 503 , titled the " Horse Slaughter Prohibition Bill " , was introduced by U.S. Representative John E. Sweeney (R @-@ NY) . The bill would have made major changes to the focus of the Horse Protection Act , by prohibiting the " shipping , transporting , moving , delivering , receiving , possessing , purchasing , selling , or donation of horses and other equines to be slaughtered for human consumption . " It passed the House of Representatives in 2006 , but died in the Senate .

In September 2012 , U.S. Representatives Ed Whitfield , a Republican from Kentucky , and Steve Cohen , a Democrat from Tennessee , proposed HR 6388 , titled the " Horse Protection Act Amendments of 2012 " . That bill died in committee . A similar bill , HR 1518 , titled the " Prevent All Soring Tactics Act " was introduced on April 11 , 2013 . If passed , the bill , nearly identical to HR 6388 , would amend the Horse Protection Act of 1970 to increase fines to \$ 5 @, @ 000 , increase prison time to three years , and increase other penalties . It would also mandate the USDA to assign a licensed inspector if a show management indicates its intent to hire one , currently a voluntary practice . The bill would prohibit the use of " action devices " and " stacks " . Action devices are weights attached around the pasterns of horses , and if attached so that they move , they can rub or irritate sored areas and thus further enhance gaits . Stacks are layers of pads attached to the bottom of the front hooves between the horseshoe and the hoof , which increase the lift of the foot

and the impact with the ground by adding height and weight to horses ' front feet . The final change would be to increase penalties for violations of the act . The bill was assigned to the House Committee on Energy and Commerce . Both bills have been opposed by some organizations within the Tennessee Walking Horse industry . The President and executive committee of the Tennessee Walking Horse Breeders ' and Exhibitors ' Association (TWHBEA) voted to support this legislation , but the full board of directors chose not to . The initial bill was supported by several outside organizations , including the AAEP , the American Veterinary Medical Association (AVMA) and the Humane Society of the United States (HSUS) .