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OF THE UNITED STATES

June 1, 2012

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Secretary Tom Vilsack  
Office of the Secretary  
U.S. Department of Agriculture  
Washington, D.C.

Dear Secretary Vilsack,

On behalf of the Humane Society of the United States (HSUS) and our 11 million members and supporters, I write to request that you immediately make final a pending Horse Protection Act (HPA) regulation proposed by your agency in May 2011. That regulation would require that USDA-certified Horse Industry Organizations (HIOs) impose uniform mandatory minimum penalties for violations of the Act, and clarify that your agency can decertify an HIO for any failure to comply with HPA regulations. We believe this regulation change is a much-needed step to strengthen enforcement of the HPA.

There is abundant evidence, some of it derived from USDA's inspections, that reveals that soring of Tennessee Walking horses and other related breeds is prevalent throughout this industry. A recent HSUS investigation, where we obtained video evidence of extreme horse abuse, resulted in a 52-count federal indictment against Jackie McConnell and a felony plea from him. At the time of the investigation, McConnell was under a five-year federal disqualification from participating in horse shows – yet he continued to train horses for the show ring. This case has been widely reported in the national media, and the abuse has been condemned by the press in Tennessee. The Murfreesboro Daily News Journal, in an editorial, wrote that “we’ve heard the whining that federal inspectors are too tough on competitors,” and added that “those crocodile tears don’t work anymore.” In just one in a series of editorials on the subject, The Tennessean said, “This coddling of sadists is a disgrace to the state of Tennessee, and it represents a failure of accountability on the part of the federal court system; federal and state policy makers; and the show-horse industry.”

Trainer Barney Davis, who along with three others was also indicted for HPA violations in 2011, pleaded guilty and was sentenced to a one-year prison term after he was caught soring horses on video while out on bond. When the court asked Davis about the pervasiveness of illegal soring in the industry, he responded, "Everybody does — I mean, they've got to be sored to walk."

While industry officials continue to claim that these trainers are the exception, USDA's own data suggests otherwise.

In 2011, the Animal and Plant Health Inspection Service conducted random testing for prohibited foreign substances, by swabbing the pasterns of horses at various Tennessee Walking Horse competitions. The results indicate that a shocking 97.6 percent of the samples tested positive for prohibited substances. In 2010, 86 percent of samples tested positive. These substances included numbing and masking agents that hide evidence of soring. Most troubling, of the 52 horses tested at the Tennessee Walking Horse National Celebration, every single horse tested positive for prohibited substances.

In a recent analysis of the top 20 Riders Cup-nominated trainers of 2011, 100% had a history of HPA violations. The HIOs recorded 164 violations by these trainers in 2010-2011 alone, but under the penalty structures currently in place at the largest HIOs (including SHOW - which inspects some of the largest shows, including the Tennessee Walking Horse National Celebration), only 25% (41 out of 164) of the violations called for penalties, most of which were mere 2 week suspensions. More disturbing, only 29.3% (12 out of 41) of those penalties were actually served and some of them were served concurrently by one trainer.

In addition to these top 20 trainers, there were 195 violations of the HPA found with trainers ranking from #21 – #74. A stunning 79.2% (42 out of 53) of these trainers were found in violation of the HPA. This data clearly shows that soring is not limited to a “few bad apples” as the industry continues to claim.

It also shows that winning trainers are regularly violating federal law, and that the penalties applied by those HIOs who have refused to adopt USDA’s mandatory penalty structure are viewed as a business cost and nothing more. It is clear that there is a pattern of behavior and that the TWH industry has been unable or unwilling to police itself or its participants.

We appreciate USDA’s increased attention to Horse Protection Act enforcement, and believe that the agency can play a vital role in the elimination of soring by continuing to step up these efforts, seeking more program funding from Congress, and closing regulatory loopholes to address the problems inherent in the current system of industry self-regulation that have been documented by your Inspector General. We strongly urge you to make final the pending regulation to require HIOs to impose uniform mandatory minimum penalties – and to decertify any HIO that fails to comply with the HPA regulations. Until those regulations and their enforcement are substantially strengthened, horses will continue to suffer and the industry will continue to reward illegal acts.

Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Wayne Pacelle". The signature is written in a cursive, flowing style.

Wayne Pacelle  
President & CEO