



Animal Welfare Institute

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May 20, 2025

Dr. Louis DiVincenti
Acting Animal Welfare Operations Director
United States Department of Agriculture
Animal and Plant Health Inspection Service
2150 Centre Ave. Bldg. B Mailstop 3W11
Fort Collins, CO 80526
Submitted via www.regulations.gov

RE: Horse Protection Amendments; Further Delay of Effective Date, and Request for Comment (Docket No. APHIS–2022–0004)

Dear Dr. DiVincenti,

Thank you for the opportunity to provide public comments on behalf of the Animal Welfare Institute (AWI) to the United States Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) regarding the proposed postponement of implementing Horse Protection Act (HPA) regulations that were finalized on May 8, 2024 and slated to originally go into effect February 1, 2025.

Founded in 1951, AWI is a national, nonprofit charitable organization dedicated to alleviating the suffering inflicted on animals by humans. AWI engages policymakers, scientists, industry professionals, non-governmental organizations, farmers, veterinarians, teachers, and the public in its broad animal protection mission. For decades, AWI has advocated for the protection of Tennessee Walking Horses and related breeds from the myriad abuses associated with horse soring, as well as for stronger enforcement of the 1970 Horse Protection Act (15 U.S.C. §§ 1821-1831).

AWI previously submitted comments on USDA’s proposed withdrawal of the 2017 HPA rule (Docket No. APHIS-2011-0009) as well as on the substantially similar HPA regulations that the agency finalized last year (89 FR 39194-39251). Our hope is that USDA will move forward on February 1, 2026 with implementing the provisions of the HPA rule that were not vacated by the US District Court for the Northern District of Texas (since the government did not appeal the district court’s ruling) – namely the critical Horse Protection Inspectors (HPI) program – and will not impose any further delays given that the status quo leaves Tennessee Walking Horses uniquely vulnerable to abuse.¹

¹ On January 31, 2025, the US District Court for the Northern District of Texas issued a decision in a lawsuit brought by the Tennessee Walking Horse National Celebration Association. The court ruled that the USDA had exceeded its statutory authority with respect to changes to prohibitions on action devices and substances, as well as in implementation of the “scar rule,” but that the new Horse Protection Inspectors model finalized by the USDA to replace the industry-run Designated Qualified Persons system is lawful and may continue. The court’s final judgement was entered February 24; as the government did not appeal, the district court’s ruling stands. *Tennessee*

Background

The HPA was passed to protect horses from the barbaric practices associated with soring – a specific kind of equine abuse that has remained a problem for decades. Tennessee Walking Horses in particular – prized for their gentle disposition and their distinctive gait – fall victim to unscrupulous trainers who use soring methods to elicit an unnatural high-stepping gait for competition known as the “Big Lick.”

Soring methods include applying diesel fuel and kerosene to burn the skin, grinding down hooves to expose sensitive tissues, and applying sharp or abrasive objects to tender areas to maximize pain. Horses are also forced to wear extremely large and heavy platform-like shoes, which can conceal hard objects jammed into the soles, as well as chains designed to strike repeatedly against inflamed tissue (i.e., deliberately irritating the pastern and fetlock area).

Although USDA is charged with enforcement of the HPA, for decades, it has primarily outsourced enforcement to the groups that put on shows and competitions – an industry self-policing scheme, effectively. USDA does send its own inspectors to a small portion of these events and when it does, the difference is stark. According to USDA’s own review of 2021 data, for example, industry inspectors (Designated Qualified Persons or “DQPs”) found an overall compliance rate of 99% (meaning virtually no problems or violations were identified) versus a 69% compliance rate when USDA was present to inspect for evidence of soring.²

Lackluster enforcement has been a longstanding and well-known problem. In 2010, USDA’s Office of Inspector General (OIG) detailed how the current inspection model is failing and recommended that it be abolished; as the audit stated, DQPs have a “clear conflict of interest” and consequently, “did not always inspect horses according to the requirements of the Horse Protection Act.” More recently, the National Academies of Sciences, Engineering, and Medicine (NAS) 2021 report – A Review of Methods for Detecting Soreness in Horses – again affirmed the need to end the current industry self-policing scheme given the severe shortcomings to this approach.³

USDA has fully acknowledged the extent of this troubling reality in developing the HPA regulations, stating in the proposed rule that “the evidence in the NAS and OIG reports and the Horse Protection program inspection data indicate that many DQPs lack either the correct training or the willingness, or both, to diagnose sore horses, with one outcome – soring persists as an incentive to gain competitive advantage and sore horses continue to appear at shows.”

Discussion

Walking Horse National Celebration Association, et al., v. United States Department of Agriculture, et al., 2:24-CV-143-Z (N.D. Tex.)

² USDA Tennessee Walking Horse Industry Letter. February 25, 2022. Available: <https://twhbea.com/wp-content/uploads/2022/02/USDA-TWH-Industry-Letter-2.25.22.pdf>

³ National Academies of Sciences, Engineering, and Medicine. A Review of Methods for Detecting Soreness in Horses. 2021. Available: <https://nap.nationalacademies.org/catalog/25949/a-review-of-methods-for-detecting-soreness-in-horses>

Given that APHIS is specifically soliciting input on the length of the postponement, we are limiting the scope of these comments to that point (but incorporate by reference prior comments submitted on the substance of the regulations).

First and foremost, we must underscore that continuing with the status quo for any length of time means perpetuating a grossly inadequate inspection model that has left Tennessee Walking Horses at greater (and sustained) risk of abuse. For that reason, we again urge USDA to move forward with the new HPI program no later than February 1, 2026.

The department has full authority to move forward with the HPI program as the district court specifically left in place the provision replacing the industry's self-policing regime with a program where independent inspectors are trained and overseen by USDA. As the court stated, "APHIS's decision to adopt the HPI program was a reasoned response to the ongoing problem of industry appointed DQPs allowing sore horses to show." Under the HPI program, inspectors will specifically have equine veterinary expertise – a stark contrast to the current DQPs (as APHIS noted in the proposed rule, "of the 59 persons licensed as DQPs in fiscal year 2022, only one [was] a veterinarian"). USDA began the process of implementing the HPA regulations last June (specifically Sec. 11.19) to identify and authorize qualified and independent inspectors with equine veterinary expertise, so the agency will have had ample lead-time to prepare HPIs who can commence inspection duties in 2026.

In announcing the initial 60-day delay, USDA noted equine industry concerns and "significant confusion...about the rule," in addition to the complexities arising from litigation against the rule (90 FR 8253). To that end, and to ensure implementation can proceed smoothly, we would encourage USDA to develop more outreach materials to the equine industry, clarifying what the regulations cover versus what they do not in order to counter misinformation and avoid any confusion (e.g., factsheets posted online, in-depth FAQs, charts). Hosting additional webinars with APHIS staff in the lead-up to the new implementation date would also help illuminate how the regulations will work in practice. AWI co-leads the Homes for Horses Coalition – a network of over 500 rescues and sanctuaries across the country. As a coalition composed of equine professionals throughout the United States, HHC is well positioned to help disseminate educational information and resources regarding the scope of the regulations, and is committed to assisting in this process.

Conclusion

An effective inspection program whereby USDA licenses, trains, and oversees inspectors with veterinary and equine expertise will vastly improve the welfare of Tennessee Walking Horses. Unfortunately, the current ineffective framework – which is predicated on the failed DQP system – has allowed abusive practices to continue.

USDA has invested significant time and resources in developing the HPA regulations, which were widely supported by the public, lawmakers, animal protection groups, the veterinary community, and the equine industry at large. HPA regulations that eliminate the serious conflicts of interest among industry-appointed inspectors will greatly help USDA ensure that violations are identified

and addressed. Such reforms are not only long overdue but are paramount to the welfare and safety of these horses.

Thank you for your consideration of these comments.

Sincerely,

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