



TENNESSEE FARM BUREAU FEDERATION

October 19, 2023

Dr. Aaron Rhyner, DVM
Assistant Director
USDA-APHIS-Animal Care
2150 Centere Ave., Building B,
Mailstop 3W11
Fort Collins, CO 80526-8117

Re: Docket No. APHIS-2022-0004

Dear Dr. Rhyner,

The Tennessee Farm Bureau Federation (TFBF) represents a diverse group of commodity producers across the state and, with over 685,000 members, is the largest general farm organization in Tennessee. Our policy is developed through a grassroots network of members who identify, research, deliberate, vote on, and adopt policies on various issues, including the care of horses. On behalf of our member producers, we are concerned about the proposed changes to the Horse Protection Act by the USDA Animal and Plant Health Inspection Service (APHIS). We urge APHIS to consider these comments and comments submitted by the American Farm Bureau Federation.

Tennessee's equine industry is an important aspect of the agricultural economy in this state. Tennesseans take immense pride in all industry segments, including shows and competition within all breeds and types of horses. Competition showcases the performance and capabilities of a horse while encouraging steady improvement of genetics and lineage to ensure quality within each breed.

TFBF believes humanity has a moral obligation to avoid cruelty in dealing with all animals and opposes using soring to train horses. Soring damages the horse's health and tarnishes the equine industry's reputation, and those who violate the Horse Protection Act (HPA) should be held accountable. Although we support APHIS's intended goal to end cruel practices in equine training, TFBF cannot support the proposed changes to the HPA for the reasons outlined below.

Action Devices and Pads

This proposed rule seeks to ban using action devices and pads on horses. The most common and recognized use of these devices is within the Tennessee Walking Horse and other racking horse industries, but they are also used on cart horses and in cart racing events. These devices have been commonly used in the competition and performance of these horses for many years. More specifically, 70% of horses entered into shows such as the world-famous Tennessee Walking Horse National Celebration are entered into performance classes. The beautiful gait a Tennessee Walking Horse exhibits is a time-honored and beloved characteristic of Tennessee's state horse. The gait exhibited by Tennessee Walking Horses in performance classes and other competition horses utilize action devices and pads to emphasize the horse's natural gait.

Through adequate training and the humane use of equipment, all breeds of horses can showcase their unique attributes through competition.

APHIS claims action devices and pads cause pain while worn during performances and competitions, even though numerous science-based, peer-reviewed publications repeatedly determine otherwise. For example, the University of Tennessee published a study¹ in 2017 citing “no scientific evidence that the legal use of stacked wedge pads and chains, as indicated in the Horse Protection Act, is detrimental to the health and welfare of horses”. The study also found no changes in multiple indicators of stress, pain, and inflammation after stacked wedge pads and chains were applied to horses. There was no change in behavioral and biochemical responses between horses wearing the devices and horses that did not. This is just one example of science-based, peer-reviewed research supporting these devices do not cause harm to horses. We encourage APHIS to recognize studies like this when making decisions about using these devices and reconsider the proposal to ban them.

Furthermore, APHIS’s goal in enforcing the HPA is to prevent soring. One of the indicators when defining the term “sore” includes “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, trotting, or otherwise moving.”² If action devices and pads have been proven by science-based studies to not cause pain, distress, inflammation, or lameness, then APHIS should not be aiming to ban them under the guise of preventing soring.

In addition, pads, wedges, and other substances are commonly used by farriers therapeutically for corrective shoeing purposes. These devices help with structural hoof issues and diseases such as navicular, where the horse’s coffin bone grows abnormally and causes pain. By using pads and other devices, farriers can reduce pain in the horse’s feet and correct structural abnormalities. In the proposed rule, APHIS recognizes this use of pads and exempts the therapeutic use of these devices. If science-based publications prove these devices do not cause harm and are recognized for their therapeutic benefits, how can APHIS justify these devices also cause soring?

Inspection Authority

Since 1976, the HPA has allowed Horse Inspection Organizations (HIO) to appoint Designated Qualified Persons (DQP) to inspect horses and ensure they comply with the HPA. These DQPs are licensed based on their experience within the equine industry and knowledge of the specific industry they are inspecting. Subsequently, HIOs are responsible for the administration, licensing, and training of DQPs, and enforcing HPA violations. The proposed rule seeks to shift this regulatory authority and its responsibilities from HIOs to APHIS. TFBF is concerned about this proposed change because we believe the current structure for inspecting horses for soring

¹ Everett et al. July 16, 2017. “Effects of stacked wedge pads and chains applied to the forefeet of Tennessee Walking Horses for a five-day period on behavioral and biochemical indicators of pain, stress, and inflammation” https://www.walkinghorsereport.com/user_files_1/News/ajvr.79.1.21.pdf

² <https://www.federalregister.gov/documents/2023/08/21/2023-17814/horse-protection>

is sufficient. Inspections performed by DQPs are approached with the utmost attention to detail, and the ability to self-regulate creates an environment of accountability within the industry. Additionally, we are concerned about the availability of resources available within APHIS to enforce the HPA properly.

Conclusion

Care and concern for the animals entrusted to our care is a moral responsibility and a personal desire of animal owners across Tennessee and the nation. Those who abuse this responsibility should be held accountable for their actions, and TFBF commends USDA-APHIS for their intent of the HPA to protect horses from soring. However, the proposed changes to the rule will unfairly affect most horse owners who treat their animals with care and adversely affect the communities that take pride in the equine competition and performance industries. Because of this, TFBF cannot support this proposal and urges APHIS to work with the equine industry to develop a plan to protect horses from soring, which is backed by science and allows the industry to thrive and grow.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Eric Mayberry". The signature is written in black ink and is positioned below the word "Sincerely,".

Eric Mayberry
President
Tennessee Farm Bureau Federation