



United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

1400 Independence  
Avenue, SW  
Washington, DC  
20250

OCT 11 2012



BY: .....

Dr. Stephen Mullins  
President  
SHOW, Inc.  
Post Office Box 167  
Shelbyville, Tennessee 37162

Dear Dr. Mullins:

This is in response to your letter on behalf of SHOW, Inc., regarding the Department of Agriculture's (USDA) enforcement of the Horse Protection Act (HPA).

We assure you that our Agency is committed to fair and effective enforcement of the law. Photographs of scar rule violations are considered public information and therefore it is appropriate to post such images to our Agency's Web site. With the exception of cropping the photos to remove unnecessary images outside of the subject, or labels that may identify the specific horse, these photographs have not been edited or filtered. Photographic quality depends largely on lighting conditions where the images were taken. In addition, the image quality for viewing photographs depends upon the hardware and software properties and settings of an individual's computer. Although lighting conditions in a given inspection area may not be ideal for images of the highest quality, the quality of the posted photos is suitable for accurately depicting the nature of the violations.

Contrary to your suggestion, our Agency has not retaliated against SHOW, Inc., or the industry, but remains committed to the fair and effective enforcement of the HPA. The scar rule violation rates for SHOW, Inc., horse shows cited in your letter are incorrect. A preliminary count (unofficial until the end of the show season) of SHOW horse shows that USDA attended in 2012, not including the Celebration, indicate that scar rule violations occurred approximately 19 times at 5 shows prior to July 1, 2012, and 37 times at 7 shows after July 1, 2012. Scar rule violation rates are representative of the cumulative effects of soring over the course of the show season. Increasing scar rule violation rates during the course of the show season are typical for several horse industry organizations (HIOs), including SHOW, Inc., and are similar to previous years. Scar rule violation rates also typically vary according to the number of horses inspected at horse shows. Violation rates, including involving the scar rule, at the 2012 Celebration (9 percent) were similar to the 2011 Celebration (9.5 percent).

The HPA implementing regulations provide guidelines for the creation of policies, such as the inspection protocol. Consistent with Title 9, Section 11.1 of the Code of Federal Regulations, the inspection protocol may include, but is not limited to, visual and physical



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examination and the use of any diagnostic device or instrument, and may require the removal of any equipment or substance from the horse as deemed necessary. As technological and scientific advances further inform our understanding of modern soring methods and resulting conditions, we may alter our inspection protocols—within the framework of the HPA and implementing regulations—in order to prevent the soring of horses.

As the 2009 e-mail you reference mentions—and as Animal Care officials have clarified many times—inspectors are instructed to spread the skin on the pastern to determine if what appears to be a scar is uniformly thickened epithelium. Inspectors must make determinations regarding possible scar rule violations based on actual inspections, not references to photographs. Because the visual appearance of the tissue alone does not indicate a scar rule violation, the tissue must also be examined by palpation. Some scar patterns are seen only on the pasterns of horses that have been subjected to soring practices. Scarring or other abnormalities of the skin that result from injury or naturally occurring disease processes are not violations of the scar rule. As you mention, uniformly thickened skin that can be flattened or smoothed out on palpation is not considered to be a scar. However, palpation is but one method of those used by Agency veterinary medical officers (VMOs) and designated qualified persons (DQPs) to go beyond a simple visual inspection to determine if a horse is, or is not, in violation.

VMOs and DQPs are instructed to enforce the HPA as written. USDA VMOs have not been instructed to present information contrary to this guidance at DQP training sessions. If DQPs are confused by information presented by USDA veterinary medical officers at any DQP training session, we urge them to raise their concerns to the instructors at that time or by immediately contacting our Agency's horse protection coordinator, Dr. Rachel Cezar.

Sincerely,



Kevin Shea  
Acting Administrator