



JUL 14 2015

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

1400 Independence
Avenue, SW
Washington, DC
20250

Dear managers of horse shows, exhibitions, sales, and auctions:

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) takes enforcement of the Horse Protection Act (HPA) and its obligation to protect horses against the inhumane practice of soring very seriously. As APHIS Administrator, I personally am committed to eliminating horse soring in a fair, impartial, and transparent manner and ensuring our employees are able to conduct their HPA-related duties in a safe environment.

In less than a year, two APHIS employees, carrying out official duties under the HPA, have been the subject of groundless complaints purportedly involving assault. One of these complaints has been dismissed, and the accusers involved in the second complaint have elected not to pursue charges. These complaints deeply concern me because they risk the safety and security of our employees and interfere with our HPA enforcement. With safety and security experts, I have reviewed conditions at HPA-regulated events alongside HPA statutory and regulatory requirements designed to promote adequate, safe, and secure inspections. Given the developments over the past year and based on this review, I want to reiterate and be absolutely clear about what is required of those who serve as management for regulated horse shows, exhibitions, sales, or auctions to fulfill their obligations under the HPA.

The HPA authorizes the Secretary of Agriculture, through APHIS, to inspect any horse show, exhibition, sale, or auction, including all things bearing on compliance with the HPA (such as horses and records), and prohibits the failure to permit APHIS access to records, entry or inspection, and the failure to provide APHIS with adequate space or facilities to conduct inspections. 15 U.S.C. §§ 1823(d), (e), and 1824(9), (10). APHIS promulgated regulations to carry out its inspection responsibilities under the HPA, including regulations requiring the management of any horse show, exhibition, sale, or auction to provide APHIS with an adequate, safe, and accessible area for the visual inspection and observation of horses that meets standards acceptable to (or requested or required by) the APHIS Show Veterinarian. 9 C.F.R. §§ 11.5 and 11.6.

In accordance with section 11.6 of the HPA regulations, and on behalf of the APHIS Show Veterinarian present at any current or future horse show, exhibition, sale, or auction, I am reiterating and affirmatively invoking the following requests, requirements, and acceptable standards that management¹ must meet for all HPA-regulated events involving APHIS officials:²

¹ The HPA defines the term "management" as "any person who organizes, exercises control over, or administers or who is responsible for organizing, directing, or administering." 15 U.S.C. § 1821(1). The



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- Sufficient space in a convenient location in which horses may be physically, thermographically, or otherwise inspected. Adequate space for purposes of a designated inspection area, means management must provide space large enough for the APHIS officials to conduct safe and secure inspections, and such space must be visually distinct from surrounding areas, physically defined or separated by barriers, contain adequate light to permit visual inspection, and, in the event inspections continue through inclement weather, shelter from the elements. Management must also ensure APHIS officials have adequate, secure and safe space to conduct visual inspections of horses in the warm-up area (also known as the post-inspection designated area), entering and exiting the show/sale ring, in the show/sale ring, and maintained in any barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other grounds or related areas at any show, exhibition, sale, or auction.
- Protection from the elements of nature. Management must provide APHIS officials with protection from the elements of nature, and this protection must be separate and apart from protection from the elements offered to participants at the show, exhibition, sale, or auction. Management must not allow participants to seek protection from the elements in the inspection area, warm-up area, or the area management designates for APHIS officials to seek protection from the elements of nature.
- A means to control crowds or onlookers so APHIS may carry out its duties without interference and with a reasonable measure of safety. Only APHIS officials, designated qualified persons (DQPs) (and their administrative support persons), and not more than one person accompanying each horse may be present in the inspection area.

Note: This policy statement and letter supersede, replace, and make void the memorandum dated January 12, 2015, entitled "Videotaping Inspections," which permitted one additional person associated with the horse to enter the inspection area to video record the inspection of the horse.³

HPA regulations further define "management" as "any person or persons who organize, exercise control over, or administer or are responsible for organizing, directing, or administering any horse show, horse exhibition, horse sale or horse auction and specifically includes, but is not limited to, the sponsoring organization and show manager." 9 C.F.R § 11.1. A "sponsoring organization" is "any person under whose immediate auspices and responsibility a horse show, horse exhibition, horse sale, or horse auction is conducted," while a "show manager" is "the person who has been delegated primary authority by a sponsoring organization for managing a horse show, horse exhibition, horse sale or horse auction." 9 C.F.R § 11.1.

² This letter supplements the APHIS Fact Sheet Entitled "The Horse Protection Act: Responsibilities of Horse Show Management." Please note that APHIS is updating this Fact Sheet to clarify that only APHIS officials, designated qualified persons (and their administrative support persons), and not more than one person accompanying each horse may be present in the inspection area. See footnote 3, below.

³ To mitigate the risk of interference with APHIS' inspection activities at HPA-regulated events and to promote the safety and security of the inspection area, APHIS has discontinued the practice of allowing any

Only the horse, the rider, the groom, the trainer, DQPs, and APHIS officials may be in the warm-up area. Management must control crowds and onlookers to prevent crowds and onlookers from interfering with APHIS officials any time APHIS officials are present on horse show, exhibition, sale or auction grounds or related areas carrying out duties under the HPA, including preventing crowds and onlookers from entering or interfering: with the inspection area, warm-up area, and the area management designates for APHIS officials to seek protection from the elements of nature; where APHIS officials are visually inspecting horses entering and exiting the show/sale ring, in the show/sale ring, and maintained in any barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other grounds or related areas at any show, exhibition, sale, or auction; and where APHIS officials are requesting or in route to request any record(s) bearing on compliance with the HPA.

- An accessible, reliable, and convenient 110-volt electrical power source, if electrical service is available at the show, exhibition, or sale or auction site.
- An appropriate area adjacent to the inspection area for designated horses to wait for inspection, and an area to be used for detention of horses. Management must ensure these areas are immediately next to the inspection area so the horse(s) remain in full visual view to APHIS officials at all times.

It is management's responsibility to ensure APHIS officials have safe and adequate spaces that are free from interference to carry out their duties under the HPA. If the management of any horse show, exhibition, sale, or auction fails to provide APHIS officials with access to records, entry, and inspection, and/or adequate space or facilities to conduct inspections, as described above, APHIS will immediately cease inspection activities and will document management's failure or refusal to abide by sections 1824(9) and/or (10) of the HPA and will pursue appropriate administrative, civil, and/or criminal enforcement as authorized in sections 1825(a) and (b) of the HPA.⁴

I appreciate the complexities involved with managing horse shows, exhibitions, sales, and auctions. I trust that you can appreciate the work involved in implementing and enforcing the HPA, and my desire to ensure that everyone working at or attending these events is able to do so safely.

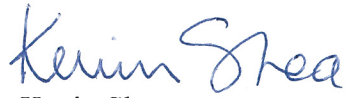
person other than the horse and one custodian to enter the inspection area. This means APHIS will not permit video recording by any person other than an APHIS official or DQP representative in the inspection area. Any person wishing to video record any part of the inspection must do so outside of the inspection area and in a manner that does not impede, intimidate, or interfere with APHIS officials engaged in the performance of duties under the HPA, and management must ensure any person video recording or otherwise observing an inspection does not interfere with the inspection process.

⁴ The HPA also provides for criminal penalties against any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in the performance of official duties under the HPA. 15 U.S.C. § 1825(a)(2)(C).

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Thank you for your attention to this matter. If you have questions going forward, please contact Dr. Gerald Rushin at (301) 851-3751.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Shea". The signature is written in a cursive style with a large, stylized 'K' and 'S'.

Kevin Shea
Administrator