



December 7, 2024

United States Committee on Oversight and Accountability
Rayburn House Office Building
2106 RHOB
Washington, DC 20525

RE: Horse Protection Act

Dear Committee Members,

In May 2024, the U.S. Department of Agriculture (USDA) published new Horse Protection Act (HPA) rules, which will be implemented and enforced in February 2025. The new rules have expanded the scope of the HPA far beyond its original intent when it was voted into law in 1970. In plain words, the new language amounts to an egregious overreach. The new language impacts the personal privacy of US Citizens involved in the horse industry, every breed of horse, and every sector, from youth events like 4H and FFA competitions to small community horse shows, and large association events that occur annually on the national level.

We are standing at the precipice of a situation that, left unchecked, could irreparably damage the horse industry as a whole and which provides over \$122 billion in total annual economic impact in the United States.

The new rules were written by USDA's Animal and Plant Health Inspection Service (APHIS). APHIS did not engage, prior to the publication of the proposed rule, with any significant or relevant equine stakeholder. Additionally, APHIS failed to follow the laws requiring a robust and thorough analysis of the impacts of this rule on small businesses across the country.

The claimed goal of the new language is to stop 'soring'; however, as classically defined, there is very little actual 'soring' in the U.S., as the original versions of the Horse Protection Act implemented in 1970 were effective. If implemented, the greatly expanded HPA enforcement will consume millions of taxpayer dollars for a completely unnecessary government program. The expanded language is especially egregious because 'soring' has never been a practice outside a small horse industry segment.

In an ongoing lawsuit *Wright v. USDA*, the Department of Justice (DOJ) verified in their Motion to Dismiss that the USDA's Animal and Plant Health Inspection Service (APHIS) considers injury to a horse while it is being ridden an act of 'soring'. The source is Dr. Aaron Rhyner, APHIS's Associate Director for Animal Care. Horses are an integral part of our American heritage and history, and they have been bred for centuries to be ridden. This personal viewpoint expressed by Dr. Aaron Rhyner is nothing short of radical. Additionally, the verification provided by the DOJ confirms that Dr. Rhyner's personal opinion has now been turned into APHIS policy, is part of the APHIS inspection protocols now, and never went through the notice and comment activities required for substantive changes to regulations.

According to HPA language, each event requires Horse Protection Inspectors (HPIs) for every 100 horses. Given all the events involving horses nationwide, it is unlikely that APHIS has the budget to train the thousands of licensed HPIs needed to cover existing shows. APHIS estimates costs to be over \$1000 per HPI per day. Event producers would absorb this cost. As a result, it will become impractical to hold most events across the United States, especially those involving youth and smaller communities. Additionally, the language states that HPIs are allowed unrestricted access to all areas of barns, horse trailers, stalls, arenas, and other show, exhibition, or sale or auction grounds, or related areas at any horse show, exhibition, sale, or auction to inspect all horses, at any time.

Western Justice Legislative Fund is building a coalition of horse industry organizations directly impacted by this new enforcement language. We will be meeting with the United States Committee on Oversight and Accountability and respectfully requesting the following considerations:

- Association involvement in USDA and APHIS rulemaking as it impacts the horse industry
- Complete review and true economic impact analysis, including review of economic impact to American taxpayers of the new proposed rules with input from key horse industry associations
- Changing the new language of the HPA to reflect its original intent
- Dismissing the HPA altogether, recognizing that the HPA itself is solving a 'problem' that no longer exists in a small segment of the horse industry

cc:

The Honorable Thomas Vilsack

United States Department of Agriculture