



UNITED STATES EQUESTRIAN FEDERATION
THE NATIONAL GOVERNING BODY FOR EQUESTRIAN SPORT

**United States Equestrian Federation's Statement
Presented By Dr. Stephen Schumacher
Re: Horse Protection Act Regulation Changes
September 6, 2016
Public Meeting 9:00 a.m
USDA-APHIS Headquarters
Riverdale, MD**

Good morning ladies and gentlemen. My name is Dr. Stephen Schumacher and I am here on behalf of the United States Equestrian Federation and the 29 breeds and disciplines under its umbrella. I am a veterinarian and I've served as the Chief Administrator of the USEF's Drugs and Medications Program for the last 10 years.

The USEF is the regulatory body for equestrian sport in the United States. It derives its power from Congress through the Ted Stevens Olympic and Amateur Sports Act of 1978 (I will refer to it as the Sports Act). The United States Olympic Committee recognizes the USEF as the sole national governing body (NGB) for equestrian sport.

One primary responsibility under the Sports Act is a congressional mandate to manage the competition calendar. We sanction over 2600 competitions in the United States. We have strict rules that govern horse welfare and an enforcement program that includes an equine drugs & medications program that we have run effectively for over 46 years. We have zero tolerance for horse abuse or maltreatment of any kind.

It is with that background that I represent the USEF here today to fully support the objectives of the HPA and PAST Act to rid the horse industry of the disgusting and horrible practice of soreing. Make no



Member, U.S. Olympic Committee

4047 IRON WORKS PARKWAY : LEXINGTON, KY 40511 : PHONE (859) 258-2472 : FAX (859) 231-6662 : WWW.USEF.ORG



UNITED STATES EQUESTRIAN FEDERATION
THE NATIONAL GOVERNING BODY FOR EQUESTRIAN SPORT

mistake about it, while we have some important recommendations to improve the proposed revision our purposes are fully aligned. We support you 100%.

The proposed revisions to the regulation raise three MAJOR concerns for us and we believe that unless the proposed language is amended, the enforceability of the regulation is vulnerable to a court finding that the proposed rule is ARBITRARY & CAPRICIOUS. Our recommendations would remedy this.

Our first MAJOR CONCERN is related to USDA's introduction of the overly broad term "related breed with accentuated gait", instead of the specific listing of breeds of concern used in the past. This term is ambiguous at best and risks severe unintended consequences in interpretation. The rules in the proposed regulation simply don't make sense for many breeds and disciplines where soreing doesn't exist. Our solution is simple. We propose that the breeds competing in USEF licensed/endorsed competitions be exempt from this regulation and the responsibility for preventing soreing be delegated to the USEF as is the current practice.

The USEF has and will continue to do an exemplary job executing this responsibility. For perspective, there is over \$18 million spent regulating horse welfare, including equine drugs & medications abuse, at our competitions.

Every single competition has officials, trained, licensed by and accountable to the USEF present on the grounds and enforcing the rules. That's 100% coverage versus the 6% coverage the USDA has provided under the current regulations for the events it supervised. We have over 150 veterinarians paid by and accountable to the USEF who collect samples at competitions for testing. Over 18,000



Member, U.S. Olympic Committee

4047 IRON WORKS PARKWAY : LEXINGTON, KY 40511 : PHONE (859) 258-2472 : FAX (859) 231-6662 : WWW.USEF.ORG



UNITED STATES EQUESTRIAN FEDERATION
THE NATIONAL GOVERNING BODY FOR EQUESTRIAN SPORT

samples are tested every year. We have a veterinarian on staff and lawyers on staff.

We have a robust regulation process for offenders of the welfare rules and equine drugs & medications rules. Notably, we afford offenders rights. These include the opportunity for a fair and impartial hearing, representation by counsel, ability to present witnesses and evidence, and ample opportunity to cross examine witnesses to name a few. As you are aware, we seek tough sanctions against the offenders. These include disqualification from the competition where the violation occurred, meaningful suspensions and fines. Our suspension not only prevents the offender from competing during the time period imposed but also prohibits him from being present on the show grounds.

We don't stop there. We vigorously defend the Hearing Committee's decisions in court. We've defended three in the last 12 months and we prevailed. We did so because we run an excellent and effective program from start to finish. In fact, we have never lost a case that was appealed in the judicial system.

Of note, we must be especially careful when enforcing the rules for Olympic disciplines. Athletes have protections under the Sports Act and the USEF has the expertise to ensure those protections are afforded so that our efforts to enforce these rules are not compromised. Mistakes cannot be made in enforcing these rules.

We have a proven record of our commitment to the welfare of the horse. In fact, on your website supporting the proposed rule you acknowledge this, "This [the changes] would align the HPA regulations with existing equestrian standards set forth by the U.S. Equestrian Federation."



Member, U.S. Olympic Committee



UNITED STATES EQUESTRIAN FEDERATION
THE NATIONAL GOVERNING BODY FOR EQUESTRIAN SPORT

Again our solution is simple, we recommend that the language of the proposal be amended to exclude application to the competitions we sanction. This solution also best satisfies the cost/benefit support required by Executive Orders 12866 and 13563, which emphasize determining the least costly regulatory option, and the President's January 12, 2011, Memorandum on Small Businesses and Job Creations as it prevents and eliminates redundancy and provides the least cost most effective solution to the issues for the breeds and disciplines we govern.

Our two other MAJOR CONCERNS would not be relevant to the USEF if you agree with our recommendation. Notwithstanding, we think these items still need addressing if the regulation is to withstand legal challenge:

1. **SUBSTANCES:** We are in agreement that certain substances must be prohibited and those that are caustic and cause soreing have no place on horses of any breed and discipline, period! However, the definition of "substance" is too broad and ignores the needs of the horse and ability to care for them appropriately at competitions. For example, fly spray, liniments and poultice would be prohibited. We propose that the language exempt substances that have recognized therapeutic value and are used for their intended purpose.

2. **PADS:** similarly, USEF is aware that some pads (known by terms such as stacks and performance kits) are horribly misused in connection with the effort to sore horses. However, there are pads (like therapeutic rim pads used to prevent bruising) that are used on horses that compete in our competitions that are necessary to protect the horse and contribute to the overall health of the horse.



Member, U.S. Olympic Committee

4047 IRON WORKS PARKWAY : LEXINGTON, KY 40511 : PHONE (859) 258-2472 : FAX (859) 231-6662 : WWW.USEF.ORG



UNITED STATES EQUESTRIAN FEDERATION
THE NATIONAL GOVERNING BODY FOR EQUESTRIAN SPORT

These have to be exempted from the regulation.

In conclusion, we believe the proposals we put forward address concerns with the regulation which could ultimately slow down the process and interfere with our common goal of eradicating soreing and horse abuse of any kind. We are on the same side on this important issue. You should know that our proposals are supported by the Humane Society of the United States (HSUS), the American Horse Council (AHC), the 29 Breeds and Disciplines in our Federation and many veterinarians from the AAEP. There is no opposition to our proposals.

Our comments with detailed support and recommended rule language revisions will be formally submitted to the docket by the September 26 deadline.

Thank you for your time and your valued partnership in helping to protect horse welfare.

Best Regards,

Dr. Stephen Schumacher



Member, U.S. Olympic Committee

4047 IRON WORKS PARKWAY : LEXINGTON, KY 40511 : PHONE (859) 258-2472 : FAX (859) 231-6662 : WWW.USEF.ORG