

## **Agriculture Appropriations Member Day Hearing**

### **Rep. Scott DesJarlais Testimony 9 March 2017, 3:50PM**

As a representative from Tennessee, I would like to take a moment to discuss the ongoing issue of communication and engagement between the Animal and Plant Health Inspection Service (APHIS) and the Tennessee Walking Horse Industry. As the Committee is aware, under the previous administration, APHIS proposed changes to the Horse Protection Act (HPA) that, if enacted, would have a detrimental effect on an important industry in many states across the country. Not only would APHIS's proposed rules cripple the Walking Horse Industry, but it also would have a negative impact on the individuals, small businesses, and local communities that operate within or benefit from it.

Although the industry has experienced its share of setbacks, due in large part to a small number of "bad actors" who generated negative stories, the industry as a whole has worked tirelessly over the past few years to rid itself of this minority. In fact, according to the U.S. Department of Agriculture's (USDA) own data, the industry has had an average inspection compliance rate of 96% over the past few years and is working diligently towards achieving a 100% rating.

As the representative for Tennessee's Fourth Congressional District and Shelbyville, Tennessee, the home of the National Tennessee Walking Horse Celebration, I have worked with my constituents, horse show organizers, managers and participants to ensure the industry has the necessary tools to continue their reforms and eliminate wrongdoers. While APHIS has opened the channel of communication between itself and industry stakeholders in recent months to

discuss changes and compliance to the HPA, there is still much progress to be made, as evidenced by their final rule that, if enacted, would gravely affect the Walking Horse Industry.

First, the proposed rule seeks to prohibit action devices and weighted shoes from competition which would effectively displace more than 85% of a \$3.2 billion industry<sup>1</sup>. In addition, the APHIS final rule fails to address a critical component of the issue by continuing to allow current subjective inspection methods instead of requiring peer reviewed objective protocols. It is indisputable that a process where an inspector is “required to watch for responses to pain,” is a process susceptible to human error, agenda driven biases or just simple mistakes. In the 2016 Celebration alone, there was a 22.67% error rate as a result of disagreement over compliance between the initial Veterinary Medical Officer (VMO) assessment and the secondary VMO inspection. In addition, 52% of the time a horse was disqualified, the two VMOs could not agree on the cause of pain<sup>2</sup>. These inspection results for the Celebration mirror issues across the industry as a whole and point to the error of government inspectors, signifying a clear need for change.

Following little change in communication efforts between APHIS and the industry up until late 2016, the FY 2017 Agriculture Appropriations Act directed APHIS “to provide greater and more consistent transparency, to work more closely with stakeholders on rules and regulations, and to move away from subjective nature of current inspection methods in favor of objective measurements.” The fact that I am making this same request of APHIS for the third year in a

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<sup>1</sup> United States. Dept. of Agriculture. Animal and Plant Health Inspection Service. *HPA Regulatory Changes QA FINAL*. 25 Jul 2016.

<sup>2</sup> Wilson, Joseph D. "Re: Your September 2, 2016 Letter." Letter to Counselor Lee Fink, Principal Deputy General Counsel, USDA. 19 Sept. 2016. MS. N.p.

row emphasizes that the communication and engagement could be improved vastly. While APHIS may disagree, the industry and APHIS have the same goal: to ensure full compliance with the Horse Protection Act for safe competition. The only way to ensure objective inspection methods and full compliance with HPA is through bilateral communication between parties regarding rules and changes to the HPA.

For the reasons stated earlier, I ask that the Committee continue to encourage APHIS to utilize objective, science-based inspections versus the current system of subjective inspections of Walking Horses. I also ask that the Committee continue to push APHIS to keep open and enhance this channel of communication, particularly during the final rule negotiations and any discussion of changes to existing protocol. The industry must have some consistency within the overall inspection process and within specific areas or definitions within that process. Finally, I request that the Committee encourage APHIS to work closely with horse inspection organizations and organizations such as the Veterinarians Advisory Committee to develop any new protocols. By collaborating across these organizations and the industry, we can ensure the continuation of the Tennessee Walking Horse tradition and ensure safe and fair competition for all involved.