



Statement of the ((Name of Organization))
House Energy and Commerce Committee
Subcommittee on Consumer Protection and Commerce
May 26, 2022

Chairperson Schakowsky, Ranking Member Bilirakis and Members of the Subcommittee:

The Tennessee Walking Horse National Celebration appreciates the opportunity to provide a statement regarding the Subcommittee's Legislative Hearing regarding H.R. 5441 (the PAST Act) and the negative impacts this legislation would have on the Tennessee Walking Horse industry and the communities and families that work in and depend on this industry.

The Tennessee Walking Horse National Celebration proudly crowns the Tennessee Walking Horse World Grand Champion annually, and has been doing that for the last 84 years. Annually, over 200,000 equine enthusiasts visit the historic Tennessee Walking Horse Celebration grounds in the heart of Shelbyville, Tenn. The Celebration contributes over **\$30 million** annually to the local economy, and provides a venue for local civic groups to raise the majority of their annual funds.

Our goal is to work within the industry and with the industry's regulators and with Congress to bring common-sense and realistic reforms that will protect the horse and save the industry through legislation that Congressman Scott Desjarlais has introduced in the House, H.R. 6341, and that Sen. Bill Hagerty has introduced in the Senate, S. 4005.

WHY YOU SHOULD NOT SUPPORT THE PAST ACT

The PAST Act is legislation with the supposed purpose of eliminating "soring" and protecting horses. It attempts to do this by simply eliminating the equipment that is used by the Tennessee Walking Horse as part of its performance. This legislative elimination of equipment is important because many other breeds of show horses utilize pads and other equipment that is similar to equipment utilized by the Tennessee Walking Horse. The HPA applies to all breeds of horses so this revision of the HPA would lead to the question would these new prohibitions not apply to all show breeds?

The PAST Act also eliminates the Designated Qualified Persons (DQPs) that are utilized by the Horse Industry Organizations that Congress established to assist the industry and shows across the country with inspection so walking horses. APHIS also attends various shows and often conducts their own inspections and this DQP inspection process, along with the APHIS inspectors, makes the Tennessee Walking Horse the most inspected horse in the world. Every horse is inspected before a performance and all winners are inspected again after their performance. The current inspection methodology employed by APHIS and, by extension the DQPs since the DQPs are trained by APHIS, is mainly subjective, the industry, over the past three (3) years has maintained between a 96% and 99% compliance rate with the Horse Protection Act requirements. That compliance rate alone calls into question the HSUS push for the PAST Act as it would appear to be a "solution" in search of a problem.

NO FACTUAL SUPPORT FOR ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES:

One of the changes called for in the proposed HSUS bill is the elimination of all “weighted” shoes for Tennessee Walking Horses. It is indisputable that this provision alone would eliminate approximately 85% of the show and performance horses. The stated reason for eliminating 85% of the Industry show horses is the allegations that “all horses are sore.” This incorrect statement is continually reinforced by using undocumented and inaccurate inflammatory language that “rampant soring continues”, and there is “massive abuse” in the industry which our compliance rates with the Horse Protection Act absolutely contradict. The organizations representing both general veterinarians and equine veterinarians have stated publicly that “there is little scientific evidence to indicate that the use of action devices below a certain weight are detrimental to the health and welfare of the horse...” (AAEP/AVMA joint statement June 14, 2012).

In fact, professional equine veterinarians that regularly treat Tennessee Walking Horses credit the use of pads with the decrease in laminitis issues found in competition Tennessee Walking Horses as compared to other competitive breeds. Also, Tennessee Walking Horses regularly compete into mid-teen ages and our World Championship Horse show has a class designated for horses 15 years of age and older, something few other breeds could claim.

Further proof of the PAST Act being unnecessary is the documented compliance reports of both the DQP inspections and the APHIS inspections. For the years 2019-2021, these two organizations charged with the inspection of the Tennessee Walking Horse reported a compliance rate with the requirements of the Horse Protection Act at between 96% and 99% and the reports are attached to this statement for your review.

THE CURRENT SUBJECTIVE INSPECTION PROCESS:

As noted, even with the Walking Horse being the most inspected horse in the world and having an extremely high compliance rate with the Horse Protection Act requirements, it is extremely important that you as a Member of Congress understand the subjective inspection process and methodology placed upon the industry by APHIS. Under the Horse Protection Act, both Designated Qualified Persons (DQPs), inspecting on behalf of the HIOs, and APHIS inspectors utilize subjective testing methods. The subjectivity creates significant inconsistencies, allows for the introduction of personal bias and creates constant problems and conflicts.

The Celebration, and its Horse Industry Organization, SHOW, take seriously the responsibility of the enforcement of the HPA. The SHOW HIO has documented the inconsistencies of the inspection process, not only within the HIOs but within the USDA veterinarians when enforcing the HPA. This documentation is included with our statement. To summarize veterinarians employed by APHIS disagreed over 50% of the time when looking at the same horse as to its compliance with the HPA at the 2016 Celebration.

In addition, the industry, the USDA and the State of Tennessee recently jointly funded an independent study conducted by the National Academies of Science to review the current inspection process and its reliability in detecting soreness. The report is attached for your review. NAS concluded the current inspection process falls short, could be dramatically improved by including more objective testing methodologies and concluded the “Scar Rule” could not be enforced as written. **Yet, the PAST Act takes none of the NAS recommendations into account nor implements any of its suggestions.**

CONCLUSION:

As we have noted throughout this letter , the PAST Act would eliminate approximately 85% of the current Tennessee Walking Horse industry and 85% of the industry's economic value to the communities and families that make up this industry. It is also important to note that the PAST Act, if enacted, would **result in the unconstitutional taking of over \$1.3 billion in property without just compensation through the elimination of the value of these performance horses.** It would result in a negative economic impact of over \$3.2 billion and the loss of thousands of jobs in each of the affected areas.

It would have a significant cost to the Government through the new requirements and tasks that would have to be assumed by the Department of Agriculture. It violates the intent and spirit of the original Horse Protection Act. It seeks to prohibit weighted shoes and action devices that have been found to have no harmful effect under current regulation. It continues an inspection process that is, by definition, unworkable as it utilizes subjective testing and foreign substance policies that are not realistic, defined or scientifically valid. And as noted, it totally ignores the most recent independent study conducted by NAS, taking into account none of the suggestions of this expert panel.

The Tennessee Walking Horse National Celebration is committed to the elimination of the small minority of people who sore horses for competitive advantage. As the industry has, as noted, a 96% to 99% compliance rate, that number is a small minority. But this elimination must occur in a common-sense, realistic manner that recognizes the original intent of the Horse Protection Act by maintaining the HIO system, requiring shows to be a part of that system, by instituting scientifically valid testing protocols and inspection methods, by eliminating the conflicts of interest and, in so doing, show these magnificent animals in a competitive, but safe, manner.

This legislation, if enacted, will destroy the proud and historic Tennessee Walking Horse industry and this Subcommittee, after consideration of our organization's statement and the testimony and statements of others, will agree with that result and realize the PAST Act is an unacceptable option. We do, however, remain committed to work with Congress, the Department of Agriculture and APHIS and other reasonable people on realistic common-sense reforms and revisions that eliminates the sore horse, not the show horse.

Thank you for your time and attention to this statement and The Tennessee Walking Horse National Celebration appreciates your consideration of this material. We hope that after the consideration of these facts and supporting material, rather than our opponent's continued uses of misinformation and outdated facts, you will understand and appreciate the progress we have made. But we know more needs to be done and we would encourage the Subcommittee to consider the solutions outlined in H.R. 6341, which represent a common-sense and realistic approach that can make our industry achieve our goal of protecting our horses and saving our industry.



Warren Wells
Chief Executive Officer