

Horse Protection New Rule – Frequently Asked Questions

General

Does the Horse Protection Act (HPA) and the New Rule solely apply to Walking and racking horses, or does it apply to all gaited breeds?

Answer: The HPA and its regulations, both current and new, apply to all [horse](#) breeds. However, the HPA only covers members of the species *Equus caballus*; therefore, the HPA does not apply to donkeys, mules, or exotic equids like zebra. Please refer to Animal Care’s Tech Note titled “[Events Covered by the Horse Protection Act](#)”

If a show consists of covered and uncovered classes, would the whole event be covered or solely the classes that are covered under the HPA?

Answer: Only the classes that fall under the HPA are covered and reported.

Does every horse need to be inspected?

Answer: The management of any horse show, exhibition, sale or auction which does not utilize an APHIS representative or appoint an HPI is responsible for identifying all horses that are sore or otherwise in violation of the Act or regulations. Horses entered for sale or auction at a horse sale or horse auction must be inspected and, as appropriate, identified as sore or otherwise in violation of the Act or regulations prior to the sale or auction. All horses that placed first in each class or event at any horse show or horse exhibition must be inspected after being shown or exhibited.

When are HPA inspections conducted?

Answer: When event management delegates inspections to an authorized HPI or APHIS representative to identify sore horses or those otherwise in violation of the HPA and its regulations, most inspections will occur prior to the horse being shown, exhibited, sold, or auctioned and/or after a horse has shown. However, under 9 C.F.R. §11.8(a), an HPI or APHIS representative may inspect any horse present on event grounds to assess for HPA compliance at all reasonable times and places during the event.

How is the physical aspect of the HPA inspection completed?

Answer: The physical portion of an HPA inspection is focused on but is not limited to digital palpation of the forelimbs of the horse. HPis and APHIS VMOs may also use hoof testers to assess the soles of flat-shod horses.

What parts of the horse, other than the limbs, can be inspected or tested for prohibited substances?

Answer: Inspection of a horse is not limited to the limbs and may include any visual, physical, and diagnostic means necessary to determine compliance with the HPA and regulations. Any area on the horse can be inspected and tested for prohibited substances. Click here for the entire definition of [Inspection](#).

What are some common non-limb violations?

Answer: Examples of common “non-limb” noncompliances with the HPA and regulations include:

- Failing to provide information or providing false or misleading information required by the HPA or regulations
- The use of stewarding tactics such as but not limited to whips, cigarette smoke, or painful substances to distract a horse or to otherwise impede the inspection process
- Refusing to allow an APHIS VMO or HPI appointed by management to inspect a horse after the request to inspect has been made

Are there any weight restrictions on horseshoes?

Answer: Any weight on horses up to 2 years old, except a keg or similar conventional horseshoe that weighs 16 ounces or less, and any horseshoe on horses up to 2 years old that weighs more than 16 ounces are prohibited under 9 C.F.R. §11.6 (b)(10).

Are pads, wedges, and action devices banned for all horses under the HPA and regulations?

Answer: Under 9 C.F.R. §11.6 (c)(1) and (c)(3), all action devices, pads and wedges on any Tennessee Walking Horse or racking horse are prohibited. Pads and wedges may be used provided such horse has been prescribed and is receiving [therapeutic treatment](#) as approved in writing by a licensed veterinarian. All other horse breeds may use pads, wedges and action devices provided they comply with the prohibitions listed under 9 C.F.R. §11.6.

Is the custodian or owner of the horse allowed to videotape the inspection process of their horse?

Answer: The custodian of a horse being inspected may use a hands-free device to record the inspection. The custodian may not hold the reins of the horse in one hand while recording with their phone in the other hand. Per 9 C.F.R. §11.10(b), only one individual is allowed in the inspection area with the horse. This means that if the custodian is not the owner of the horse, the owner would need to record the inspection from outside the inspection area. Although not guaranteed, upon request an APHIS VMO or HPI will attempt to position the horse to allow the owner to record in a satisfactory manner when space and safety permit.

Are horses allowed to warm-up more than 3 classes ahead of their class?

Answer: The regulations do not restrict a horse to a specific warm-up time or a specific area on the event grounds prior to presenting for inspection. Once a horse has been inspected and deemed compliant with the HPA, it must remain in the designated warm-up area until it shows.

Can items like fly spray or show sheen be used?

Answer: Under the general prohibitions, the use of any substance that causes or can reasonably be expected to cause a horse to be sore or is otherwise used to mask previous and/or ongoing soring is prohibited on all horses. Specifically in reference to Tennessee Walking Horses or racking horses, any substance **on the extremities above the hoof** is prohibited, and this prohibition includes items like fly spray and show sheen. Fly spray and show sheen are permitted on areas other than the extremities.

Define masking agents and do they include items that are unseen such as injectable drugs and medications?

Answer: Masking agents are those used to impede inspection efforts to detect soring. This would include, but is not limited to, numbing agents, sedatives, and other compounds used to hide evidence of soring, prevent a pain response, or used to distract the horse.

Who will be responsible for performing diagnostics (ID scanner, radiographs, thermography, ultrasound, prohibited substance sampling) testing at events? What happens to the data collected from these diagnostics?

Answer: APHIS representatives may use diagnostic measures during the inspection process. Thermography and ultrasound devices are operated by a Veterinary Medical Officer and all other diagnostic equipment may be operated by trained Animal Care Inspectors. All images are reviewed by a Veterinary Medical Officer. Horse Protection Inspectors may elect to use their own diagnostic equipment such as portable radiography but are not required by APHIS as part of their inspection. Data collected is maintained as an official government record according to APHIS-Animal Care's file management plan and collective data may be included in data reports. When the diagnostic test indicates a noncompliance with the HPA or its regulations, the record may be used for enforcement purposes.

Will blood testing be done, who will do the blood draw, when will it be drawn and how long does it take to get the results of the testing?

Answer: APHIS representatives may collect blood samples to test for prohibited substances such as sedatives used to impede the inspection process. An APHIS Veterinary Medical Officer would collect the blood sample in accordance with current veterinary practices and maintain the sample under proper chain of custody. Length of time for the results will be dependent on the agreement made with the laboratory conducting the analysis. A blood sample will generally be collected prior to the horse being shown, exhibited, sold, or auctioned but may be collected to assess for HPA compliance at all reasonable times during the event.

What actions can be taken when a horse is found to be noncompliant with the HPA?

Answer: The HPA requires management to disqualify sore horses from being shown or exhibited and prohibit their sale or auction. APHIS may bring an administrative complaint against alleged violators of the HPA. Administrative complaints may result in civil penalties and an order disqualifying the violator from participating in any covered horse event except as a spectator. Periods of disqualification are determined on a case-by-case basis but must be no less than 1 year for the first violation and no less than 5 years for any subsequent violations. Civil penalties can be assessed for a violation of an order of disqualification. Additionally, APHIS may seek injunctive relief to prevent further noncompliance. The HPA also provides for criminal penalties. Penalties are determined on a case-by-case basis. More information on enforcement of the HPA can be found on the [Horse Protection Act website](#) under the "Enforcement" heading.

What happens when a horse is found to be noncompliant with the HPA by an HPI or APHIS VMO?

Answer: When an HPI or APHIS VMO finds a horse noncompliant during inspection, the custodian will be informed of the noncompliance and will be referred to event management for disqualification from the event. The custodian may request a re-inspection of the horse, and an APHIS representative will grant the request provided that sufficient cause exists and that the other conditions set forth in 9 C.F.R. 11.8(h) are met. This request is made to an APHIS representative immediately following the initial HPI or APHIS

VMO inspection and occurs before the horse leaves the inspection area. Following the disqualification of a horse, an inspection report containing the noncompliant findings is provided to the custodian by the HPI or APHIS VMO who conducted the inspection. Any person responsible for entering the horse in the event may appeal a disqualification decision to the APHIS Administrator pursuant to 9 C.F.R. §11.5.

Is there a cost associated when requesting an APHIS VMO for an event?

Answer: There is no cost to event management for an APHIS VMO to inspect horses.

Are there requirements to have farriers on-site or on-call for an event?

Answer: When event management elects to use APHIS representatives or HPIs, they must ensure there is at least one farrier physically present if more than 100 horses are entered in the event. If fewer than 100 horses are entered in an event, at least one farrier must be on call and within the local area. In addition, event management must ensure farriers appear promptly if requested by an APHIS representative or HPI. Please see the [Event Management: Responsibilities](#) for more information.

How can a horse apply for a therapeutic exemption under the HPA?

Answer: Tennessee Walking Horses and racking horses may exhibit, show, or be sold/auctioned with a therapeutic exemption from the specific prohibitions in 9 C.F.R. §11.6(c)(2-4) by working with their licensed veterinarian. The therapeutic exemption must be for a specific therapeutic treatment and approved in writing by the licensed veterinarian.

Can APHIS challenge a therapeutic exemption?

Answer: APHIS can evaluate and determine the suitability of any such prescription as warranted. APHIS will review the relevant records that management is required to maintain in 9 C.F.R. §11.14(b) for each horse receiving therapeutic treatment.

Horse Protection Inspectors (HPI):

What qualifications are HPIs required to have?

Answer: HPIs must be veterinarians, veterinary technicians, or State or local animal welfare or control officers. HPIs must demonstrate sufficient knowledge and experience in equine husbandry and science. HPIs must not have been found to have previously violated any provision of the HPA or its regulations and must not have been disqualified by the Secretary of Agriculture from diagnosing, detecting, or inspecting soreness under the HPA or its regulations. HPIs must not have acted in a manner that calls into question their honesty, integrity, reputation, practices, and reliability relative to possible authorization as an HPI. Prior to being authorized as an HPI, applicants must successfully complete APHIS HPA compliance and enforcement training. HPIs must sign and adhere to a Code of Conduct that includes recusal of events where there may be a conflict of interest, prohibition of betting or gambling activities on horses or participants, and discriminatory behavior. Please see the [Horse Protection Inspector Brochure](#) for more information on HPI requirements.

Are veterinarians and veterinary technicians applying to be HPIs required to be licensed?

Answer: Veterinarians and veterinary technicians applying to be HPIs are not required to be licensed; however, they must meet all required qualifications to be eligible.

Can a current DQP for a certified HIO apply to be an HPI?

Answer: Anyone may submit an HPI application; however, specific qualifications are required to be eligible. A current DQP who meets Tier I and Tier II qualifications and agrees to the HPI Code of Conduct is eligible to be an HPI. Please see the [Horse Protection Inspector Brochure](#) for more information on HPI requirements.

How do HPIs get selected and/or hired for events?

Answer: If event management decides to use an HPI for their event, they may access the list of authorized HPIs on the [Horse Protection Act website](#). Event management is responsible for contacting the HPIs directly to negotiate coverage and fees for their event. While event management may appoint an HPI to cover their event, neither event management nor APHIS can require an HPI to work a particular event. HPIs set their own rates and schedules allowing them to determine when they can work an event.

How many inspectors will be required per event?

Answer: If event management elects to have HPIs for an event with more than 100 horses, they will be required to have at least two HPIs present for inspection at the event. If event management requests to have an APHIS representative, APHIS will determine the total number of inspectors that will attend the event.

Who is responsible for the cost associated with having a HPI at an event?

Answer: Event management

What other options are available if an HPI is unavailable or event management elects to not use an HPI for an event?

Answer: Event management may elect to request an APHIS representative for the event, or they can elect to have no inspector present. If event management chooses not to use an inspector, event management is responsible for ensuring a horse is not exhibited, shown, or sold while sore or otherwise in violation of the HPA or regulations. Please see the [Event Management: Responsibilities](#) for more information.

At open registration events, how should show management determine the total number of HPIs that will be required for the event?

Answer: Event management of open events should refer to prior attendance and estimate the number of horses to be entered in the event.

Do open horse shows that are not allowing any TWH or racking horses to register or attend still need an HPI or APHIS representative at the event?

Answer: **The HPA applies to all horse breeds.** Event management for HPA covered events are not required to appoint an HPI or request an APHIS VMO but doing so limits their liability if a horse is found to have been shown, exhibited, sold, or auctioned while sore. Please see the [Event Management: Responsibilities](#) Tech Note for more information.

Reporting Requirements

How does event management report their event?

Answer: Events can be reported electronically to horseprotection@usda.gov or mailed to
USDA, APHIS, Animal Care
2150 Centre Ave
Bldg. B Mailstop 3W11
Fort Collins, Co 80526

Please refer to the [Event Management: Responsibilities](#) and [Event Management: Records and Reporting](#) Tech Notes for more information.

Is there a form that event management is required to fill out for each event?

Answer: There is no requirement for event management to use a specific form; however, APHIS is developing an optional template that event management can choose to use for submitting the notification of their event. Please see the Post-Event Checklists on the [Horse Protection Act website](#) that can be used as guides for what information to submit following an event to comply with the regulations.

How do events with last-minute cancellations or delays due to inclement weather or circumstances beyond event management's control get reported?

Answer: Event management of events with unforeseen cancellations or delays due to inclement weather or circumstances beyond their control may send the required documentation per §11.14 and §11.16 within 5 days of the conclusion of the event or as soon as the event is cancelled. In situations where event management has appointed an HPI or a requested APHIS VMO is being provided, event management should inform the HPI or APHIS VMO as soon as practical. Please refer to [Event Management: Records and Reporting](#) Tech Note for more information.

How should open events with the same day sign up/registration be reported?

Answer: Open events covered by the HPA with same day sign up/registration should look to previous events for an estimated number of horses entered. Please refer to the [Event Management: Records and Reporting](#) Tech Note for more information.

How should stock horse shows (breed shows, i.e. AQHA, APHA) be reported?

Answer: Stock horse shows with classes/events that are covered under the HPA must provide APHIS notification of the required documentation per §11.14 and §11.16. Please refer to "Events Covered by the Horse Protection Act" and [Event Management: Records and Reporting](#) Tech Notes for more information.

In the reporting requirements, specifically for an event without Tennessee Walkers or other gaited horses, do Event Managers report all horses that were scratched or otherwise did not compete or just those deemed in non-compliance with the specific HPA rules? (i.e. Horses that might have stepped on themselves in the trailer or pulled their show and were scratched but were not specifically in violation of an HPA rule.)

Answer: For events without Tennessee Walking or racking horses, event management must report any case where a horse was prohibited by management from being shown, exhibited, sold or auctioned

because it was found to be sore or otherwise in violation of the HPA or regulations. Horses that were scratched or disqualified based on non-HPA violations or otherwise did not compete are not required to be reported.

If a show has no padded horses, does show management still have to report to APHIS?

Answer: Event management for events covered by the HPA are required to provide notification of information outlined under §11.14 and §11.16 whether or not padded horses are participating. Please refer to [Event Management: Records and Reporting](#) Tech Note for more information.

Is the information to be submitted for Horse Shows to APHIS subject to request under the Freedom of Information Act (FOIA)?

Answer: All records maintained by APHIS officials are subject to FOIA requests. All FOIA requests **are reviewed prior to release to the public to determine if any information**, such as personal addresses, is exempt from release under FOIA. .

What are the penalties for not registering a show?

Answer: The HPA requires management of covered events to provide notification of any horse show, exhibition, sale or auction at least 30 days before the event is scheduled to begin. APHIS may bring an administrative complaint against alleged violators of the HPA. More information on enforcement of the HPA can be found on the [Horse Protection Act website](#) under the “Enforcement” heading.

** This document is intended solely for purposes of describing the rules and requirements of the Horse Protection Act (HPA) and its implementing regulations. It is not intended to replace or revise any existing laws or regulations. Nor is it intended to create any rights, remedies, or obligations that are separate from or in addition to those provided by the HPA and its implementing regulations. To the extent any information in this document is inconsistent with existing laws or regulations, the laws or regulations apply. For details, refer to the HPA (United States Code Title 15, Chapter 44, Sections 1821-1831) and the Horse Protection Regulations (Code of Federal Regulations, 9 C.F.R. Title 9, Chapter I, Subchapter A, Part 11).