

**FOSH Inspection Program**  
**Organizational and DQP Manual**  
**2018**

## **1.0 Mission Statement**

### **1.1 Friends of Sound Horses, Inc. [FOSH]**

The organization is incorporated in the state of Delaware as a nonprofit, nonmember, public benefit humane and education organization. Its purpose is to provide information to the public about the humane care, treatment and training of gaited horses, with a special emphasis on the Tennessee Walking Horse, and to promote the exhibition of the flat shod walking horse at competitions designed to showcase the natural gaited pleasure walking horse.

**1.2** Members of the **FOSH** Board and advisory boards serve as unpaid volunteers and assume their own personal expenses for such service. Some costs for official travel on behalf of the corporation may be reimbursable should the finances of the corporation allow for such reimbursements. Those who agree to work with **FOSH** do so for altruistic purposes and for the protection of horses and education of the general public.

**1.3** In addition to a circuit of independent shows across the country, a judging program - Independent Judges Association [IJA]. **FOSH** has an established an inspection program - **FOSH** Inspection Program - staffed with trained and certified experts whose purpose shall be to ensure that the provisions of the Horse Protection Act [HPA or the Act] and its regulations are reliably and impartially fulfilled and who shall be known as Designated Qualified Persons [**DQPs**] when operating in the field. **DQPs** have no enforcement authority other than as is delegated by the USDA for inspections at shows, sales, and exhibitions where they have been assigned as part of a contract affiliation program entered into by a show, sale, or exhibition manager and **FOSH**.

**1.4** **FOSH** sees its relationship with the USDA as one of partnership in ending the illegal practices of soring and pressure shoeing in the equine industry, as outlined in the Horse Protection Act [Act], while providing safeguards for compliant exhibitors by ensuring that horses that are unfit to enter the show ring are not placed in competition.

**1.5** **FOSH** has been certified by the USDA to inspect horses and write citations for violations of the Act. The legal responsibility to enforce the Act rests solely with the USDA and is not a responsibility that can be delegated to any non-federal/ non-governmental agency or organization.

**1.6** All reference to HPA or Act in this document and any supporting materials incorporates by reference the Horse Protection Act (Act) and the Horse Protection Regulations (Regulations). Any conflict that may exist between this document and the provisions of the Act and Regulations shall be resolved by relying on the terms contained in the latter as the more authoritative document.

## **2.0 Administrative Requirements**

### **2.1 Applications**

Application to become an **FOSH DQP** must be made by filing a formal application in writing to **FOSH**. Applicants must be 21 years of age or over. When the application has been completed and returned, accompanied by the application fee, the applicant will be scheduled for training. All applicants are required to take a written examination at the conclusion of the training session. Application and/or training fees are non-refundable. Training for prospective **DQPs** takes place only once each year. Refresher training [a minimum of 4 hours] for previously licensed **DQPs** may be scheduled throughout the year, but should take place before the commencement of the new show season.

## 2.2 Training and Licensing

Training for individuals wishing to obtain a **DQP** license will consist of at least 14 hours of classroom instruction and practice as prescribed by the Act.

While the **FOSH** Inspection Program has no intention of affiliating events with 'padded', 'banded' or 'stacked' horses, **FOSH DQPs** are still required to know and understand the full requirements of the HPA including those regulations that apply to events that would include these type of entries.

An applicant who receives a mark of 85% or better on their written examination and who successfully completes an apprenticeship program will be licensed as a **DQP** for **FOSH**. Formal training, as well as human relations and oral expression skills, will be considered in the licensing procedure.

An individual holding a **DQP** license with **FOSH** will be subject to mandatory annual continuing education courses of not fewer than four hours of instruction each year in order to retain a **DQP** license.

**DQP** licenses will be issued for a period of not more than one year through the period ending March 31st of the succeeding year. Licenses may be renewed on an annual basis each March 1st, by invitation to reapply. **FOSH** reserves the right to refuse to renew any **DQPs** license upon its expiration. Violations of the HPA will result in immediate revocation of the license of any **DQP** licensed with the program.

**FOSH** also reserves the rights to suspend or revoke any **DQP** license for the following causes:

- The individual fails to attend mandatory annual training; conviction for any felony; conviction, including misdemeanors, for any form of inhumane treatment to animals, not restricted to equines.
- The appearance at any time on a Federal Suspension List or the suspension list of a USDA certified HIO for any violation of the federal Horse Protection Act, applicable to all breeds.

A **DQP** license will also be revoked if an individual demonstrates a lack of competence, skill, integrity, or cooperation with the public or with USDA personnel while officiating as a **DQP** in the field. A **DQP's** license may also be revoked, at the discretion of the **FOSH** board of directors, if a **DQP's** conduct has been found to be detrimental to or in conflict with the principles and policies of **FOSH**.

**Licenses** revoked by **FOSH** will not be reissued to **DQPs** whose license has been revoked and persons in this category may not apply for re-licensing or re-training. Evaluations of the performance of **FOSH DQPs** at events will be solicited from show management, **FOSH** Inspection Program administrators, **FOSH DQPs**, **FOSH** Board members, exhibitors and spectators. These evaluations will be reviewed with the individual **DQP** as appropriate in order to assure that a uniform and consistent inspection process is being carried out.

## 2.3 Payment of Fees

Candidates for an initial license as a **FOSH DQP** will be required to become members of **FOSH** prior to being issued a license and an initial training fee (to be determined) for the 14 hour training course. Renewal of licenses will take place each March 1st and will require renewing the individual's **FOSH** membership and the payment of the then current renewal fee which includes the necessary refresher training materials. Payment of all fees is required before a new or renewal license is issued.

## 2.4 Identification in the Field

All **DQPs** assigned to events will be required to wear at all times an identifying shirt issued by **FOSH**. They will be required to carry on their person a license that will include their picture, their name and signature, and the name and address of the licensing organization. These licenses are the property of **FOSH** Inspection Program and must be surrendered upon termination with the program or revocation of license. Additional uniform shirts may be purchased, as well as an optional **DQP** uniform hat.

## 2.5 Expenses Incurred While Apprenticing

**FOSH** Inspection Program apprentice **DQPs** may, with the approval of other certified HIOs and the **FOSH** Inspection Program administrator, apprentice with any program available to them. Apprenticeships served with **DQPs** from other organizations must have a letter of recommendation written by the licensed **DQP** and forwarded to **FOSH** Inspection Program. At least one of the required minimum of two events must be apprenticed with a **FOSH DQP**. All expenses (including travel and lodging) incurred while completing the apprentice program are the responsibility of the candidate for licensing and will not be reimbursed. **FOSH** will try to work with the apprentice **DQPs** in an effort to minimize their travel and lodging costs. The **FOSH** board of directors, may, from time to time, approve funding to assist with the costs of initial training, apprenticeships, and/or continuing education.

## 3.0 Standards of Conduct

**Because FOSH** is chartered as a humane association, its officials, judges and those designated as inspectors for the inspection program must be held to a high standard for protection of animals. They must also be held to a high standard of ethical conduct when dealing with the public and with those who train and exhibit show horses or who would sell or exhibit them.

**Individuals licensed** by **FOSH** as **DQPs** will enforce the rules of the **FOSH** Inspection Program, as well as the requirements of the Act, without compromise and without exception. All inspections will be conducted with consistency and thoroughness. The same procedures will be followed whether or not **USDA** evaluators or **Veterinary Medical Officers** are present.

**The enforcement** of the Act is the primary responsibility of the **DQP(s)**. However, at a **FOSH** sanctioned show, **FOSH DQPs** will inspect for and enforce the shoeing requirements of the **IJA** judging program with the full understanding of all parties – that the enforcement of the Act is of paramount importance. When **FOSH DQPs** are hired by a show not sanctioned by **FOSH**, the **DQPs** will not normally be expected to enforce the shoeing regulations of the particular event.

**Any FOSH DQP**, who is contacted with matters that could be considered 'inappropriate' by an exhibitor, trainer, owner or other interested party connected with a show or sale where the inspector has been assigned by the **FOSH** Inspection Program administrator must notify **FOSH** Inspection Program administrator immediately of the contact. Failure to do so will result in suspension of the **DQPs** license for a period of six months from the date of discovery of the failure to notify.

**Horses owned** by the **DQP**, his employer, or by members of his immediate family, to include ex-spouses, in-laws, or stepchildren or grandchildren, or by any non-related members of the **DQP's** household may not be inspected at any show where such a **DQP** has been assigned. This prohibition includes shows where two or more **DQPs** are assigned and even where a non-related **DQP** would be available to inspect the entries.

**DQPs** assigned to shows may not, for a period of **60 days** before a show, be a guest in the home of any exhibitor, trainer, or owner who plans to attend a show where the **DQP** will provide inspection services. **DQPs** may not transact business of any sort, with any owner, trainer, exhibitor, relating to the equine industry for **60 days** before or after a show, exhibition or sale, where the **DQP** has been assigned as the official inspector. As assignments are not necessarily known in advance, **DQPs** are required to advise the program administrator before accepting an assignment, if the proposed assignment would conflict with the above restrictions. Based on the particular circumstance, the **DQP** coordinator or the President of **FOSH** may grant an exception to the above restriction when it would be deemed in the best interest of **FOSH** – provided there would no conflict with the **USDA** regulations.

**FOSH DQPs** may not share meals with any person attending or competing in a sale or show other than with **APHIS** officials or show officials, including judges, stewards, ring person, etc., who have no connection with any horse presented in the ring or sales arena. **DQPs** will avoid all conversation of other

than a cursory or educational nature with exhibitors, spectators, trainers or owners before and during a show or sale. **DQPs** are both permitted and encouraged to discuss **HPA** educational materials (to include the Show manager technical note and scar rule pamphlet) with persons attending or exhibiting at the event. **DQPs** will refrain from discussions with any show officials (including judges, stewards, etc.), on any topic regarding exhibitors, participants, or their horses, which is not related to the inspection duties which they have been hired to perform.

**FOSH DQPs** are to remember that any observations that they may make during the inspection process are a matter that is to be kept confidential between the exhibitor(s) involved, show management, **FOSH** officials, and **USDA** representatives. Any discussions of these observations outside of the requirements of the Act and its enforcement needs, will be considered a breach of ethics and subject to disciplinary action by **FOSH**.

### **Affiliated and Sanctioned-the difference (IJA Rule book 300)**

**Affiliated-** USDA defines a FOSH affiliated show as an event that utilizes a DQP provided through the FOSH Inspection Program. A FOSH show that does not utilize a DQP provided through the FOSH Inspection Program is considered a **non-affiliated** show by the USDA.

**Sanctioned-** A FOSH Sanctioned show is one that agrees to follow the IJA rules as the standard for judging. A FOSH sanctioned show may also be an affiliated or non-affiliated show as defined above by the USDA.

**A FOSH Sanctioned show that also wishes to be an affiliated show, may only use DQPs provided through the FOSH Inspection Program.**

### **3.1 Inspecting non-affiliated and non-sanctioned Shows.**

While there is no specific prohibition in the HPA or its regulations preventing a **DQP** from offering their services - as a private individual - to show management, **FOSH** views this as conflict of interest that may have adverse consequences for all parties concerned for many reasons including:

- Show management would not be protected if the USDA were to find that a 'sore' horse had been exhibited.
- The individual involved may expose themselves and/or show management to potential liability issues.
- The individual may also expose **FOSH** to potential liability because they hold a license issued by **FOSH**.
- Even though the individual may not be wearing the **FOSH** uniform, they might still be viewed as a **FOSH DQP** by exhibitors or spectators and as such, could have the potential of casting a negative image on the entire program.

In light of these concerns, **FOSH** licensed **DQPs** will **NOT** be permitted to inspect or check horses for show management at a show that has not affiliated with **FOSH** or a show using the rules of another HIO (non-sanctioned show). Failure to abide by this restriction will result in suspension of the **DQP's** license for a period of six months from the date of discovery of the incident.

### **3.2 DQPs may not render an unofficial opinion.**

The USDA has advised that it is to be considered unethical for a **DQP** to render an opinion on a horse anytime he/she is not engaged in their official inspection duties. **DQPs'** offering advice, either concurring or disagreeing with that of the official **DQP** on duty, is a treacherous practice that can have adverse consequences for all parties.

## 4.0 Scope of Authority

**When FOSH** has been hired as the inspection program for a show, exhibition or sale, all horses entering the grounds become subject to the authority and the jurisdiction of the **DQP** for the entire duration of the event to include set-up and tear-down. This authority extends to the barn areas, horses loaded or tied to trailers, horses being loaded or unloaded, on or from trailers, warm-up areas, and preparation areas, including cross ties, blacksmith shacks, and wash racks.

**FOSH DQPs** are empowered to inspect leg wraps, shipping boots, tack boxes, work boxes, all equipment and stall and barn areas for substances considered to be illegal under the Act. Horses may also be inspected in the barn, unloading areas, warm-up areas, or any place on the show grounds for compliance with the Act as well as the rules of **FOSH** Inspection Program , the licensing body.

**DQPs** are empowered to require the custodian of a horse to lead the animal in question from an area to a place designated as an inspection area. Custodians are required to remove or to have removed by a farrier, wraps, or any equipment, including shoes, that the **DQP** deems necessary to facilitate a complete examination of the horse. **DQPs** may also require the removal of all hoof dressings or coloring agents that may conceal acrylics or other fixative or bonding agents that may exceed the amount allowed for normal hoof repair.

**DQPs** may require any horse to report to the inspection area for additional inspections post show or at any point during the event. At the conclusion of a class, the first place horse must return to the **DQP**. Show officials and/or the **DQP** may also require that horses from other placings or horses that are randomly selected return for a post class inspection. When USDA VMOs are on the scene, horses tied first, second or third may be required to be re-inspected as part of the normal inspection procedure.

**FOSH DQPs** will also enforce **FOSH** and IJA shoeing regulations at **FOSH** sanctioned shows utilizing IJA judges. Show management must recognize that the enforcement of the HPA is of priority, and that any additional procedures may cause unavoidable delays.

## 4.1 The Inspection Area

Persons normally allowed access to the inspection area itself include the assigned **DQP**, **DQP** apprentices, **DQP** clerical support, **FOSH** Inspection Program supervisors and evaluators, any USDA/APHIS personnel, officials from humane associations, upon presentation of credentials, and the exhibitor and/or handler. Inspection areas will not be curtained off so as to allow the general public a clear view of the inspection area and its procedures.

Per the HPA, horses will be inspected no more than three classes ahead of the class where they will perform – if there are 150 entries or more at the event, and no more than two classes ahead when there are less than 150 entries at the event. Once inspected, horses will be confined to a holding area that may be easily observed by both the **DQP** and APHIS representatives if on site. Once inspected horses will not be permitted to leave the holding area until entrance into the show ring.

Horses which leave the designated area after inspection, but prior to exhibition or sale, will be subject to re-inspection. A groom or assistant may join the horse and exhibitor in the designated holding area. Work carts, tack trunks, grooming boxes, buckets and the like are not permitted in the holding or inspection area. Aerosol cans, grooming products, or containers filled with unidentified substances are not permitted in the holding or inspection area. All other items, such as towels or brushes, brought into the inspection area or the holding area must be presented to the **DQP** for inspection. Once a horse has been inspected and is in place in the designated holding area, no one may touch the lower limbs of the horse, defined as the area from the knee to the hoof unless under the direct supervision of the **DQP**.

## 4.2 Inspection Procedure

While the inspection process is primarily focused on Tennessee Walking, Racking horses, and similar gaited breeds; the Horse Protection Act does apply to all horses. When a **FOSH DQP** is present on a show grounds for an affiliated show, all horses as required by the USDA and the HPA, will be inspected for compliance with the Act and its regulations as amended and the rules of **FOSH** Inspection Program. The following procedures are meant as a summary only. The inspection protocol and procedures as established by the USDA and the Act will be followed during all inspections:

- The rider must dismount prior to the inspection and remain dismounted throughout the inspection procedure.  
As of February 2018, the horse does not need to be unsaddled for the inspection.
- The custodian of the horse shall stand in front of the horse and to the same side as the inspector when the examination is occurring.
- The physical examination must be performed on both forelegs of the horse and may be performed on the rear legs at the discretion of the inspector.
- The reins of the horse's bridle, or lead strap shall be held loosely and no less than 18 inches from the shank of the bit or 24 inches from the snaffle ring.
- If a lead strap is used, the chain may not pass over the nose, over the lip, or under the chin. It must be attached to the center ring of the headstall, not to the side hardware
- The custodian must do nothing that would cause a false examination result (stewarding)
- Prohibited behaviors include:
  - Any signal or device
  - Use of a whip
  - Lighted cigarette or cigarette smoke
  - Other techniques used to distract the horse such as might be used to steward a horse to stand for inspection in training session(s) prior to being presented for inspection.
- If the **DQP** or APHIS personnel conducting the examination observe any behavior that they feel constitutes stewarding or influencing the examination, the horse will be immediately excused from the inspection area and the incident will be reported both to show management and to **FOSH** Inspection Program.
- **DQPs** are to be fully aware of the need to protect themselves from unruly or fractious horses presented for inspection. The **DQP** shall excuse any horse that is unruly, fractious, or exhibits an unwillingness to stand quietly while his feet are lifted, when standing with feet on the ground, and while he is examined by the **DQP**.
- Although inspections must be thorough, **DQPs** are required not to take an amount of time that could be considered to be unreasonable for conducting a complete examination.
- **DQPs** shall use hoof testers on a random basis.
- **DQPs** may carry out additional inspection procedures as he/she may deem necessary, to include as an example the use of hoof testers or to request that the show veterinarian or blacksmith apply hoof-testers, to determine whether a horse is in compliance with the Act and the rules of **FOSH** Inspection Program.
- Other technology for detection of sore or pressure shod horses may be introduced into the inspection process as directed by the USDA.
- The **DQP** may require the horse's custodian to engage a farrier to remove the shoes to allow for further examination if the **DQP** suspects that a horse's hoof has been subjected to any shoeing or trimming practice that can be reasonably expected to cause the horse to suffer pain, distress, inflammation or lameness when walking, trotting, or otherwise moving. Removing shoes to verify compliance with the Act shall be at the expense of the owner or exhibitor of the horse.

**The minimum inspection procedure to determine compliance with the Act shall include the following:**

- Movement: The **DQP** shall direct the custodian of the horse to lead, walk and turn the horse in a figure eight pattern around a set of cones or markers to allow the **DQP** to observe for signs of

- soreness.
- Appearance: The **DQP** shall observe and evaluate the appearance of the horse to determine whether the horse appears to suffer any physical pain or distress, inflammation or lameness when walking, trotting or otherwise moving. The **DQP** will also look for evidence of prohibited substances and/or prohibited or non-compliant paraphernalia or devices.
- Physical Examination: The **DQP** will perform a physical examination of the front legs of the horse. This examination will include digital palpation of the pastern and fetlock area and begin by examining the horse starting from the shoulder and moving down the leg. The **DQP** may also carry out additional inspection procedures as set forth above as he/she deems necessary and appropriate to determine whether the horse is in compliance with the HPA and its regulations and the rules of this inspection agency.
- Conflicts: When the **DQP** is the only inspection authority on the show ground, his/her rulings are definitive. In the event that USDA VMOs are present in the inspection area and a disagreement about the condition of the horse arises, the VMOs decision will prevail.
- Conflict Resolution: Being that the VMO's decision will prevail in all cases, there is no conflict resolution process - the decision of the VMO regarding the condition of the horse is the final decision.
- Point System: No point system will be used to establish parameters concerning degree of soreness or other unsoundness for exhibition or sale. Failure in areas of palpation, locomotion, other areas of physical appearance or examination, will all be documented as defined in the Act and amended regulations. A failure in any single element of the examination process is sufficient for issuance of a violation citation.

## As per letter from USDA March 6, 2018 Updates/Clarifications

**3. We have not yet completed our guidance for inspecting lead line class. Because of this, please continue to inspect these entries as you have in the past.**

**4. With respect to using hoof testers on flat shod horses, USDA MVO's will use hoof testers with inspecting flat shod entries. Although USDA encourages HIO's to use hoof testers when inspecting flat shod horses, USDA will not require it for every inspection involving a flat shod horse.**

### 4.2.1 as per letter from USDA February 6, 2018

#### 4.2.1 Coronary Band

**Coronary (coronet) band.** In accordance with the HPA regulations, USDA and DQPs will assess compliance for metal hoof bands, heel-toe ratio, and the 50 percent rule by measuring from the bottom of coronary band or coronet.

The bottom of coronary band is identified by applying pressure with a finger to identify the location where the hoof wall ends and pliable tissue begins. USDA and DQPs generally identify the bottom of the coronary band with ease; however, if it is more complicated to locate (because of excessive cornification, for example), USDA and DQPs will confer and agree on the location of the bottom of the coronary band before taking measurements.

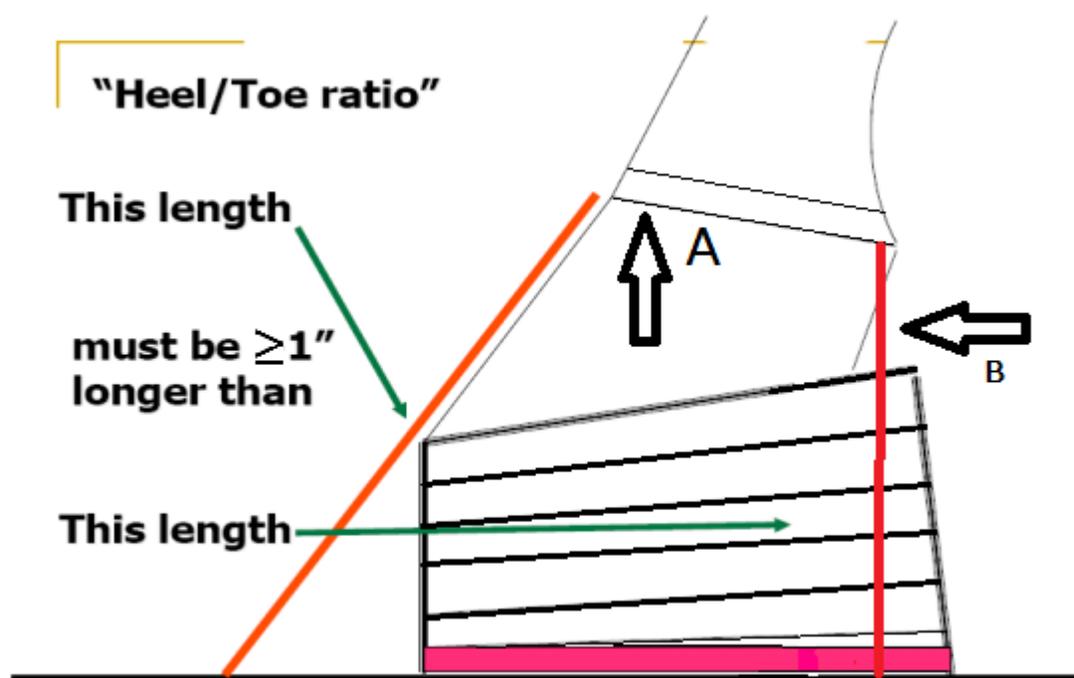
### 4.2.2 as per letter from USDA February 6, 2018

#### 4.2.2 Heel-toe ratio.

**Heel-toe ratio.** The HPA regulations prohibit a toe length that does not exceed the height of the heel by 1 inch or more. "The heel is measured from the coronet band, at the most lateral part of the rear pastern, at a 90 degree angle to the ground, at the rear of the shoe." Toe length: measured from the coronet band (arrow "A" in the diagram below), at the center of the front pastern along the front of the hoof wall, to the ground.

Heel height: measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, at the rear of the shoe (arrow "B" in the diagram below). The heel measure excludes normal caulks at the rear of a horseshoe that do not exceed ¾ inch in length. That portion of caulk at the rear of a horseshoe in excess of ¾ of an inch is added to the height of the heel.

Note: The exclusion of ¾ inch in length only applies to horseshoes with caulks. If a horseshoe does not have a caulk (i.e., a rubber bottom horseshoe), the heel is measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, at the rear of the shoe.



### 4.2.3 as per letter from USDA February 6, 2018

#### 4.2.3 Metal hoof bands.

The HPA regulations prohibit the placement of metal hoof bands less than ½ inch below the coronet band, and use of bands that can be easily and quickly loosened or tightened by hand (by using a wing-nut, for example). Metal hoof bands must be properly placed and tightened before presenting a horse for inspection and cannot be adjusted for compliance during the inspection process. If, after completing the inspection process, a metal hoof band becomes loose or otherwise requires adjustment, the custodian must return to horse to the inspection area and ask USDA or the DQP for approval to adjust the band in the inspection area. Following any adjustment to the band, USDA and the DQPs may re-inspect the horse.

### 4.2.4 as per letter from USDA February 6, 2018. Note; FOSH does not examine horses with pads.

#### 4.2.4 Object or material inserted between the pad and the hoof

FOSH only inspects Flat Shod Horses.

#### **Object or material inserted between the pad and the hoof.**

The HPA regulations prohibit the insertion of any object or material between the pad and the hoof other than acceptable hoof packing, which includes pine tar, oakum, live

### **4.2.5 as per letter from USDA February 6, 2018.**

#### **4.2.5 Tack changes**

As of 2018, custodians of flat shod horses may present the horse for USDA or DQP inspection with tack, provided the stirrups on both western and English saddles are positioned to avoid interfering with the USDA or DQP inspection. Prior to inspection, exhibitors and custodians must have English stirrups pulled up tight with leathers tucked; and Western stirrups tied up over the saddle. If USDA or DQP has concerns or suspicions regarding the tack on a flat shod horse, they may request that the custodian remove the tack for inspection.

#### **4.3 Inspection Relative to Scar Rule Compliance –**

The following definitions are used with regard to the Scar Rule as it is outlined in the HPA.

**Scar tissue.** Any scar tissue such as button lesions, sweat cracks, moisture and/or localized swelling, as well as chronic, old lesions, consisting of scar tissue, typically whitish in color, unable to be smoothed out by pressure, occasionally exhibiting flaking of the skin, and showing no sign of irritation, moisture, edema, pain, heat, redness, proliferating granulation or ulceration, are all prohibited under the existing scar rule as written in the HPA and its amended regulations.

**Bilateral granuloma.** Tumor-like masses of granulation tissue (proud flesh or focal scar ruls) that occur on both legs, usually as a result of chronic inflammation.

**Bilateral evidence of abuse indicative of soring.** Evidence of malicious injury or intentional injury inflicted to both front and/or rear pasterns, or at any part of the leg and foot structure.

**Edema.** Collection of fluid within tissue. Localized edema is the collection of fluids within tissue causing swelling, pain, and/or loss of function in or near the area where chemical or physical trauma has occurred. Localized edema is considered a violation of the Act. In contrast, generalized edema is not considered a violation of the Act. Generalized edema involves a greater portion of the extremity and may be caused by such conditions as the application of tight bandages or injuries above the pastern with the resultant movement of fluids gravitating to the pastern area.

**Excessive loss of hair.** Repetitive friction and/or pressure that has caused permanent injury to hair follicles and unsightly areas of thinned hair and/or bare skin fits the definition of excessive loss of hair.

**Inflammation.** Signs of inflammation include, but may not be limited, to pain, heat, redness, swelling, the presence of serum or pus, loss of function in front pasterns. Inflammation results when, in response to an injury or the destruction of tissue by some means, the body attempts to dilute or to wall off the injurious agent and the injured tissue. Inflammation can be either acute or chronic. It may result in permanent tissue damage which is called scarring. Types of scarring not indicative of the practices of soring are not covered under the HPA.

**Irritation.** The precursor to inflammation, irritation results from a reaction of the skin to abnormal chemical or physical applications.

**Moisture.** Includes serum, pus, or blood. This can be a direct flow of moisture and/or oozing of moisture out through the skin.

**Pastern.** The part of the leg that lies between the fetlock joint and the hoof.

**Proliferating granuloma tissue.** Growth of proud flesh that is usually the result of the body's

unsuccessful attempts to repair tissues that are injured and/or infected. The proliferating granuloma can create wart-like growths and/or abnormal thickening where the skin is corrugated, ridged or thrown into cluster or exuberant [proud flesh] growth.

**Uniformly thickened epithelial tissue.** A thickening of skin that retains its smoothness such as in a callous or corn.

- The pasterns and leg structure must show no evidence of bilateral granuloma, other bilateral pathological evidence of inflammation, bilateral evidence of abuse indicative of soreing or evidence of intentional or malicious injury inflicted to both front pasterns or excessive loss of hair.

## **Scar Rule Interpretation as per USDA Letter Feb 6, 2018**

**Scar rule.** USDA and DQPs will continue to apply the inspection focus for assessing compliance with the scar rule. Please note with respect to the anterior and anterior medial and lateral aspects of the front pastern, our focus will be on identifying noncompliances involving tissue that is non-pliable, with hard ridges or nodules with distinct edges even if there is no hair loss in the area. This was a point of confusion last season because hair loss is part of our focus for assessing compliance with the posterior aspect of the front pastern. With respect to the posterior aspect the front pastern, our focus will be on identifying noncompliances involving tissue that has multiple focal areas of hair loss or generalized hair loss and that is non-pliable, with hard ridges or nodules with distinct edges.

### **4.4 Additional Prohibitions and Restrictions**

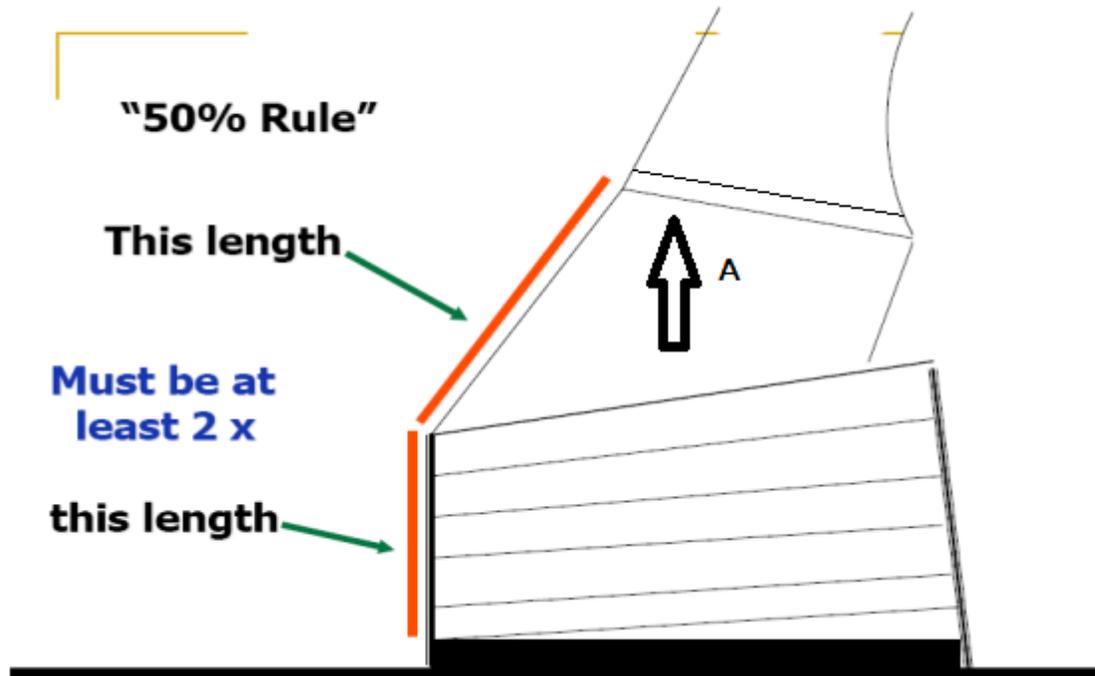
**50% Rule as per USDA Letter Feb 6, 2018 could mean that the yellow highlighted section is unnecessary**

#### **4.4.1 50 percent rule**

The HPA regulations prohibit artificial extension of the toe length that exceeds 50 percent of the natural hoof length.

The artificial extension shall be measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface of the shoe. In accordance with the diagram below, USDA and DQPs will measure artificial toe extensions, as follows:

- Natural hoof length: measured from the coronet band (arrow "A" in the diagram below), at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe.
- Artificial extension: measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface



**4.4.1.** Any artificial extension of the length of toe, no matter how accomplished including the use of acrylic or combinations of materials, that exceeds 50% of the natural hoof length, as measured from the coronet band, at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe, is prohibited. The artificial extension will be measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle, to the proximal [foot/hoof] surface of the shoe. Toe length must exceed the height of the heel by 1 inch or more. The length of the toe will be measured from the coronet band, at the center of the front pastern along the front of the hoof wall to the ground. The heel will be measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, not including the normal caulks found at the rear of some horse shoes. Caulks may not exceed 3/4 inch in length. The portion of each caulk at the rear of a horse shoe in excess of 3/4 inch will be added to the height of the heel in determining the acceptable heel/toe ratio.

**4.4.1.1. FOSH**, in support of the sound horse, has enacted a maximum toe length, including the shoe, of (4½) inches for **FOSH** sanctioned shows. A toe length greater than (4½) will result in disqualification from the class.

**4.4.2.** The Regulations prohibit shoeing, trimming or the use of any method or device [such as vising or contracting the heel] on a horse's hoof in a any manner that causes such horse to suffer or can be reasonably expected to cause the horse to suffer pain, distress, inflammation, or any degree of lameness when walking, trotting or otherwise moving. This prohibition includes the insertion of any tack, screw, nail or other device or substance other than acceptable hoof packing, between the horse's hoof and its shoe or pad [Pads are not allowed on flat shod horses]. If the **DQP** suspects that a horse's hoof has been subjected to any such practice, the **DQP** may require the horse's custodian to arrange for the removal of the shoes [pads or both] to allow for further examination. The removal of shoes must be done in the inspection area. **FOSH** Inspection Program and the **DQP** bear no financial responsibility for the cost of removing shoes or re-shoeing the horse at the conclusion of the examination.

**4.4.3.** Physical abuse of a horse that takes place within sight of the **DQP** will be documented and reported to show management, local humane officials or district attorney with jurisdiction over animal cruelty in the vicinity of the event, the breed registry which controls the particular breed, and the custodian of the horse will receive a warning notice. In states such as Tennessee where the soring of horses is to be reported to the state and to district attorneys, **FOSH** Inspection Program will prepare such reports for any horse ticketed with an HPA type violation as a result of inspection.

**4.4.4.** Neither whips nor smoking materials of any sort are allowed in the inspection area.

**4.4.5.** Acrylic or other bonding materials used for repair of a damaged hoof on a flat shod horse must not violate provisions of the Act.

**4.4.6.** The use of plastic wrap or similar product, at any time when the horse is arriving on a trailer, in a stall on the grounds, or tied to a trailer, or at any point during the event is prohibited with one exception. A horse may be wrapped in plastic with a veterinary certificate of need if injured while at the show grounds or in transit. The certificate must be presented at the show office. Wrapping a horse in plastic for any period of time means that the horse will not be allowed to participate in the event for its duration.

**4.4.7.** Alligator clips or similar devices used in any location on a horse's body or private parts are prohibited.

**4.4.8.** No device that produces any form of a 'shock' may be used on the grounds of the event.

**4.4.9.** Coloring agents like 'Black Magic' or 'French chalk' or similar substances are prohibited on any Tennessee Walking horse or racking horse presented for inspection from the coronet band to the elbow or stifle.

**4.4.10.** The natural markings of the horse may not be colored or concealed in any way so as to interfere with identification of the horse as such markings appear on registration papers.

**4.4.11.** With the exception of protective devices such as un-weighted bell boots, splint boots, brushing boots, or similar devices intended to protect the horse's extremities in classes like TWH over fences, dressage, trail obstacle, jumping, barrel racing, pole bending, and reining, no tape, wrap or polo type bandages may be worn in competition.

## **5.0 General Rules**

### **5.1 Affiliation**

**FOSH** because of its status as a humane education organization, does not allow the use of action devices on horses, nor the use of shoeing practices on walking or racking horses commonly referred to as 'built-up', 'performance shoes' or 'stacks'.

The **FOSH** Inspection Program will therefore make its services available only to shows, sales, or events that are designated for the exclusive exhibition of flat or traditionally shod equines. Affiliation requires the completion of the application received at least 60 days prior to the event. When the application is received, along with the required payment of \$50, the event will be listed with the USDA as affiliated with the **FOSH** Inspection Program.

Every exhibitor or exhibitor's agent must execute an Acknowledgement and Waiver form (see Appendix) before an exhibitor's horse will be inspected by the **DQP**.

Show management is requested to complete the After event report as soon as possible following the show.

In addition to the fees payable to **FOSH** that are noted above - show management is also responsible for

payment of the individual **DQP(s)** fees and expenses as outlined in 5.2

Should an organizer anticipate more than 150 horses (class entries) per day to be inspected at an event, the Act requires the presence of at least two **DQPs** for the event. **FOSH** has been advised by the USDA that this requirement is based on 150 entries per show day not a head-count of 150 horses. This requirement is non-negotiable, directed as it is by the USDA, and not by **FOSH**.

## **5.2 DQP Fees and Expenses.**

All fees and expenses associated with the use of a **DQP** at an affiliated event are to be borne by the event organizer or organization. **DQPs** licensed by the **FOSH** Inspection Program and assigned to an event, provide their services as contract labor through the **FOSH** Inspection Program. As such, individual fees are to be agreed upon in advance between the individual assigned **DQP(s)** and the show organizer, based on the following **maximum** allowable guidelines:

- **DQP** fee \$225 per day
- Mileage at the IRS permitted rate. - not to exceed the cost of reduced price air fare (if available) and ground transportation expenses from nearest airport to the event.
- Mileage to include transportation costs from home to the show grounds and from show grounds to home, based on standard distances traveled as outlined by a service like AAA, or other motor club route provider.
- Appropriate meals or a reasonable meal allowance to be provided. (\$25.00 per day, per diem)
- Lodging to be arranged by and paid for by the event organizer if overnight(s) is required.
- Airline tickets (if required) are to be arranged and paid for by the event organizer after review with the assigned **DQP(s)**.
- Airport parking fees.
- In the event that Show Management miscalculates the number of **DQPs** needed for the show and there are more than 150 horse entries per day to be inspected, and only one **DQP** is hired for the show, a fee of \$5.00 per additional entry will be assessed and paid to the **DQP** on site.

In order to assist start-up shows, schooling shows, etc. individual **DQPs** are free to negotiate a lower fee structure with the organizers of an individual show.

## **5.3 General Provisions as Related to DQPs**

Organizers are **required** to provide clerical support for the **DQP** throughout the event. However, organizers are not obligated to pay for per diem or other expenses for **DQP** clerical support if the **DQP** elects to bring his own record keeper.

The **DQP** will, in the absence of USDA/APHIS officials who may override his decisions, have the final say in determining whether or not a horse is or is not in compliance with the Act and whether or not it will be allowed to be shown, sold, auctioned, or exhibited. Show organizers or management have no part in making this determination.

**DQPs** are required to be fully aware of the specific rules promulgated by **FOSH** Inspection Program, as well as the specifics of the Act and its amended regulations. If show management requests the **DQP** to inspect for specific shoe/class restrictions, it is show management's responsibility to advise the **DQP(s)** of their desires and rules to be applied.

**DQPs** are required to have a copy of the HPA and its regulations as well as a copy of the **FOSH** Inspection program manual, with them during the inspection process.

**DQPs** are assigned to events by the **FOSH** Inspection Program administrator after consulting with the **DQP** coordinator. Show management may not request by name a particular **DQP(s)**. Reasonable

attempts will be made to assign **DQPs** within close proximity to an event whenever possible as a means of reducing the expense involved in affiliating events. Should show managers be willing to assume the additional costs of an out of area **DQP**, they may request the assignment of a person from outside the immediate area and if one is available such a **DQP** will be sent to the event.

**DQPs** must report to show management a minimum of one hour before the event commences and should observe warm-ups and other preparations as appropriate before horses begin to arrive for inspection. If horses will be arriving the evening before an event, **DQPs** may, at their option, be on-hand to observe the unloading, stalling, and exercise of these horses. **DQPs** may answer questions about the inspection procedure and about the specifics of the HPA before and after the show, but may not conduct any pre-show inspections (also known as 'screening' ), defined as physically touching the horse and examining it in a way that would be done at inspection.

**DQPs** may not provide any other services to show management, during the course of their employment on the show grounds as inspectors. The only exception to this prohibition is in the event that a **DQP** is also a licensed veterinarian, he/she may in the case of a bona fide emergency, with no other veterinarian readily available, provide such medical assistance as may be required to assist an animal until the arrival of another veterinarian may be arranged. Requests for such emergency medical attention must come through show management. Any horse treated by a veterinarian who has been acting as a **DQP** is ineligible to compete for the rest of the event and may not be included in the sale, auction, or exhibition.

Show managers must complete a form to authorize emergency vet care from a **DQP**. The custodian of the horse must sign the form, agreeing to remove the horse from further participation in the show as a condition of treatment. While emergency services are being provided, if the show has only one **DQP** assigned, the classes must be held until the **DQP** has completed rendering emergency care and may return to his/her post in the inspection area.

During the course of the event, if the **DQP** must leave the inspection/holding area for any reason and horses are in the holding area; show management must provide an observer to remain in the holding area to oversee the horses which have already passed through inspection. The observer must remain in the area until the **DQP** has returned to his/ her post and must report to the **DQP** any activity that could require any or all horses in the holding area to be re-inspected prior to their class. This observer may be the same individual who is providing clerical assistance for the **DQP**.

## 6.0 Official Reports

**An assigned DQP**, upon finding, a horse and/or the owner, trainer, exhibitor, or custodian not be in compliance with the Act and its amended regulations must immediately notify the designated show management contact person of his/her findings.

**The DQP** will proceed to document in an accurate fashion on the form(s) provided for violations, the reasons why the entry and/or the parties are considered to be in violation of the HPA and its amended regulations, or of the rules of **FOSH** Inspection Program, as promulgated in this rule book. The report will cite the appropriate violation(s) in accordance with the requirements of the HPA.

**If available** the trainer and the owner of record will be asked to sign the violation citation while in the designated area for inspections. Exhibitors, with the exception of juvenile riders, will be asked to sign the violation citation, and in the absence of a trainer or owner, the custodian of the horse will be asked to sign the violation citation. Absence of any of these signatures does not invalidate the citation.

**A DQP** who writes a violation citation for an HPA type violation must forward to **FOSH** Inspection Program administrator **via certified mail** within 72 hours of the conclusion of the event, a complete report. To include as applicable the following information: [**DQPs** should request a copy of the entry form from show management in order to double check and verify information included on the report of violation.

- a. The name and address, including street address or post office box and zip code, of the show and show manager.
- b. The name and address, including street address or post office box and zip code, of the horse owner.
- c. The name and address, including street address or post office box and zip code, of the horse trainer.
- d. The name and address, including street address or post office box and zip code, of the horse exhibitor.
- e. The exhibitor's number and class number, or the sale or auction tag number of the horse.
- f. The date and time of the inspection.
- g. A detailed description of all the **DQP's** findings and the nature of the alleged violation, or other reason for disqualifying or excusing the horse, including the **DQP's** statement regarding the evidence or facts upon which the decision to disqualify or excuse the horse was based.
- h. The name, age, sex, color and markings of the horse.
- i. The name or names of the show manager or other management representative notified by the **DQP** that such horse should be excused or disqualified and whether or not such manager or management representative excused or disqualified the horse.

### **6.1 Notices of Alleged Violations and Offenses**

The **DQP**, acting under authority delegated by the USDA and as an agent of **FOSH** Inspection Program , may 'ticket' alleged violations discovered on entries and attributable to responsible parties for a variety of violations and offenses. These violations are grouped, for convenience, by severity, and may require suspensions and/or cash penalties to be assessed as a result of non-compliance. Suspensions will continue in effect until such time as cash penalties, if assessed, are paid in full. Cash penalties will be used by **FOSH** for use in furthering its humane programs and education efforts.

Penalties shall be assessed against any individual responsible for showing the horse, exhibiting the horse, entering or allowing the entry of the horse in a show. This may include, but may not be limited to, the manager, trainer, rider, custodian and exhibitor, as applicable. If the owner allowed any of the aforementioned activities, the owner shall be suspended as well. .

### **6.2 HPA Violations**

#### **6.2.1 Soring Violations 15 U.S.C. §1824(1) 15 U.S.C. §1824(2)**

Horse cannot show for the remainder of the event. Winnings will be forfeited and the class is to be retied. All penalties shall be assessed against the horse and responsible parties, including, but not limited to manager, trainer, rider, custodian and exhibitor and as designated in this section 6.2 for the violation listed.

Any person who is responsible for the shipping, moving, delivering, or receiving of any horse that is found to be pressure shod, bilaterally sore, unilaterally sore, in violation of the scar rule or in violation of the prohibition against the use of foreign substances and that person has reason to believe that such horse was to be shown, exhibited, entered for the purpose of being shown or

exhibited, sold, auctioned, or offered for sale in any horse show, horse exhibition, or horse sale or auction shall be assessed the penalty as designated in this section 6.2..

Any person with multiple suspensions must serve them consecutively, not concurrently.

**Pressure Shoeing** 1st violation - 5 year suspension plus \$1000 fine  
2nd violation - Life suspension plus \$2000 fine

**Bilateral Sore** 1st violation – 1 year suspension plus \$500 fine  
2nd violation - 2 year suspension plus \$1000 fine  
3rd violation - Life suspension plus \$2000 fine

**Unilateral Sore** 1st violation – 60 days suspension  
2nd violation - 1 year suspension plus \$500 fine  
3rd violation - 2 year suspension plus \$1000fine  
4th violation - Life suspension plus \$2000 fine

**Scar Rule** 1st violation - 2 weeks suspension  
2nd violation – 60 days suspension plus \$100 fine  
3rd violation - 1 year suspension plus \$200 fine  
4th violation - 2 year suspension plus \$500 fine

### 6.2.2 Suspension Violations

Horse cannot show for the remainder of the event. Responsible parties, including, but not limited to manager, trainer, rider, custodian, exhibitor and the horse will receive penalties as follows:

Each Occurrence - 1 year suspension.

### 6.2.3 Other HPA Violations 15 U.S.C.\$ 1824(7)

#### Illegal and/or Foreign Substance violations

**Pre-show Exam** 1st violation – Horse is dismissed from the horse show, exhibition sale or auction.

**Post-show Exam** Horse cannot show for the remainder of the event. Winnings will be forfeited and the class is to be retied. Trainer, owner of record, exhibitor and horse will receive penalties as follows: each occurrence - 2 month suspension plus \$100 fine.

#### Equipment violations 15 U.S.C.\$ 1824(7)

**Pre-show Exam** Horse is dismissed from the horse show, exhibition, sale or auction.

**Post-show Exam** Two weeks suspension and the horse cannot show for the remainder of the event. Winnings will be forfeited and the class is to be retied. Responsible parties, including, but not limited to manager, trainer, rider, custodian, exhibitor and the horse will receive penalties as follows: Each occurrence - 1 month suspension plus \$100 fine.

#### Shoeing violation

##### As pertaining to HPA shoeing restrictions

Horse is dismissed from the horse show, exhibition, sale or auction.

#### Heel-Toe Ratio

Horse is dismissed from the horse show, exhibition, sale or auction.

### **Other FOSH shoeing and equipment restrictions**

Boots or collars weighing more than 6 ounces, except for soft rubber or leather bell boots used for protective purposes.

Pads or other devices on yearlings that elevate or change the angle of the heel more than one inch.

Boots or collars with protrusions or swellings, or rigid, rough, or sharp edges or seams.

FOSH does not allow anything but barefoot on a yearling.

Weights attached to the outside of the hoof wall, horseshoe.

As all bands and stacks are prohibited at a **FOSH** affiliated show, violations that relate specifically to these items are not listed individually but will be included as equipment violations.

#### **6.2.4 Unruly/Fractious Horse:** Non-correctable - Disqualified from the class.

Continuing problem – As this becomes a safety concern for the **DQP/VMO** - Horse may not be exhibited for the remainder of the show at the discretion of the **DQP** or **VMO**.

### **6.3 Other Violations of HPA and FOSH Inspection Program Rules**

#### **6.3.1 Group A Violations**

1st Violation - Warning

2nd Violation at same event - Disqualified from the remainder of the event

- Having unapproved equipment in holding area (buckets, bottles, totes, etc.)
- Touching lower limbs of the horse (from knee to the hoof) after it has been inspected and prior to entering the event

#### **6.3.2 Group B Violations**

1st Violation - Disqualified from Class

2nd Violation at same event - Disqualified from the remainder of the event

- Illegal shoeing (per **FOSH/IJA** rules)
- Excessive toe length (exceeding 4½ inches including the shoe) - (per **FOSH /IJA** rules)

#### **6.3.2 Group C Violations**

Trainer, owner of record, exhibitor and horse will receive penalties as follows:

Winnings will be forfeited and the class is to be retied – Plus

1st Violation - Disqualified from Class

2nd Violation at same event - Disqualified from the remainder of the event plus \$200 fine

- Failure to have the horse inspected pre-show
- Failure to report to the **DQP** immediately after winning class

#### **6.3.3 Group D Violations**

Trainer, owner of record, exhibitor and horse will receive penalties as follows:

(In addition to following, if the post-show, winnings will be forfeited and class is to be retied)

The horse is dismissed from the horse show, exhibition, sale or auction and is disqualified from the class plus:

1st violation - 1 month suspension plus \$100 fine  
2nd violation - 2 month suspension plus \$200 fine  
3rd violation - 1 year suspension plus \$500 fine

- Stewarding or presenting a horse for inspection in any manner that might cause the horse not to react to the **DQPs** examination.
- Plastic wrap on the legs of any horse when arriving or while on the show grounds.
- Artificial extensions of the toe that exceed 50% of natural hoof length.
- Toe length that does not exceed the height of the heel by 1 inch or more

#### **6.3.4 Group E Violations**

(In addition to following, if the post-show, winnings will be forfeited and class is to be retired)  
Individuals are disqualified from the class and may not show for the remainder of the event, plus

**1st violation** - 6 month suspension plus \$500 fine

**2nd violation** - 1 year suspension plus \$1000 fine

- Refusal to provide the necessary information to **DQP**
- Refusal to have horse inspected after notification by event management, **DQP** or USDA
- Refusal to allow the **DQP** to carry out any inspections to determine compliance with the HPA, its regulations, or the rules of **FOSH** Inspection Program
- Giving false information to any official of the event.
- Verbal abuse to anyone representing event management, **DQP(s)**, **FOSH** Inspection Program Officials, USDA employees, while they are functioning in any official capacity.

**Note:** In addition to the above penalties, any refusal to allow USDA personnel to inspect the horse, providing false information to the USDA or interfering with USDA personnel in the performance of their official duties will result in a Federal case being initiated against that person or persons.

#### **6.4 Repeated Violations**

Multiple or subsequent violations that incur suspension penalties must be served consecutively. For example, if the violator received a bilateral sore violation and a scar rule violation at the same show or a separate show, the violator will have a one year suspension followed by a 2 week suspension.

#### **6.5 Probation Period**

This term means the period of time after a suspension is served in which a subsequent violation becomes cumulative according to the above tables. A probation period of one year will exist for all HPA and **FOSH** violations as noted above. Such probation period will commence once a suspension has been fully served and any subsequent HPA offense received after the end of the probation period shall be considered a first offense for the offender.

### **Section 7 Administration of Penalties and Fines, Limited Liability Provisions**

**7.1 Suspensions:** The USDA requires that a suspension notice be issued within 10 days of the violation. The notice will be sent to the violator by certified and regular mail. All suspensions shall begin no sooner than the twenty first (21st) day from the date that such notification is mailed as traceable through a postal receipt, unless a bona fide request for an appeal is received by the **FOSH** within the twenty (20) day period. Delays in issuing a notice of suspension or postal delays will not be grounds for invalidating the notice.

**7.2 Serving of Suspension:** For purposes of enforcing suspensions only, at the present time the **FOSH** Inspection Program defines the show season as beginning March 1st of each calendar year and continuing through October 31st. Suspensions that total less than one year will be served during the period of time defined as the 'show season'. For suspensions that total one year or more, the suspension will begin on the effective date and will continue for a 12 month period with additional years beginning at the completion of the initial twelve month suspension period and continuing until the remainder of the time has been served.

**7.3 Location, Ownership and Name Changes as a Factor in Suspension:** Regardless of the location of horse or responsible party. Any fine, suspension or penalty will continue for the prescribed period of time, until the time is concluded. Should a horse on suspension be sold, leased or traded, or otherwise be removed from the oversight of the suspended responsible person, the penalties assessed against the horse will carry over to the new owners and/ or custodians. Further, the horse will continue on suspension until such time as any outstanding fine has been paid. In the event that a horse on suspension has a name changed with the breed registry, the responsible parties must notify **FOSH** Inspection Program, of the name change and the date the change was registered. Failure to do so will result in the imposition of an additional 2 month suspension and a \$200 fine.

**7.4 Corporate Ownership:** In the event that a horse is owned by a corporation or limited liability corporation, all penalties, assessed fines and appeals will apply to the owner(s) of the named corporation.

**7.5 Reciprocal Honoring of Other HIO Suspensions:** **FOSH** Inspection Program will honor and enforce all suspensions levied by other USDA certified HIOs for violations of the Act.

**7.6 Consequences of Post Show Inspection Failures:** In the event that violations of the Act or the rules of **FOSH** Inspection Program, are discovered in a post-show inspection, the entry so discovered will be disqualified from the class by show management, all prizes, trophies and points awarded for the category shall be forfeited and the class retied.

**7.7 Use of the Term 'Sore':** The word 'sore' shall only be used by **FOSH** Inspection Program and its **DQPs**, in conjunction with the inspection program, as it is defined by the Act and its amended regulations.

**7.8 Limited Exemption from Liability:** The Act in Section 1824 (2) (D) does contain a limited exemption from personal liability for the horse owner who is able to demonstrate that he did not Allow a horse to be entered or exhibited in an event while sore, as defined in the Act. This exemption applies to owners who did not participate in the entry, exhibition, sale or auction of a sore horse. In order to avoid liability for allowing the horse to be shown or sold, the owner must be able to present credible evidence that he did not participate in the transportation, entry, preparation for showing, exhibiting, sale or auction and the owner must show that he took affirmative action to prevent his horse from being sore. Those steps include selecting a trainer whom the owner could reasonably assume would not be likely to sore his horse; ensuring that the trainer is appraised of the definition of soring as related in the Act, understands that the owner has forbidden the trainer to sore the horse, and understands the consequences if he should sore the horse; must periodically check on the horse at the training facility either through random visits from a licensed veterinarian, not employed by the trainer and capable of determining whether or not a horse is sore as defined by the Act and/ or unscheduled personal visits by owner or agent to check on the condition of the horse. Affirmative Actions can include written instructions and acknowledgments to the trainer from the owner and from the trainer to the owner; consideration of a trainer's history of compliance or non-compliance with the Act; unannounced visits.

**7.9 Status of Exhibitors:** Any exhibitor, other than a minor, who shows a horse in any show, sale, or exhibition, if the horse is found to be in violation of the Act, is subject to the receipt of a notice of alleged violation. This liability applies even if the exhibitor is only a catch rider for the horse found in violation.

## **Section 8 Appeals, Hearings and Due Process**

**8.1** Individuals who receive violation citation commonly called tickets from a **FOSH DQP** for alleged violations of the Act, its amended regulations or violations of the rules contained in this rule book are entitled to present a case to a hearing committee of the **FOSH** Inspection Program, in order to allow the committee to determine whether or not the ticket will stand as written, be reduced, or be dismissed. Individuals may choose to be represented by counsel, at their own expense, at such a hearing. None of the costs of representation at the hearing or costs related to the appearance at the hearing will be reimbursed to the individual who has been charged.

**FOSH** Inspection Program reserves the right to name the members of this hearing committee and has both jurisdiction and authority under the authority granted by the USDA to hear the appeal, render a decision and forward that decision on to the USDA/ APHIS.

Should an individual desire to appeal a ticket that has been issued, they have twenty (20) days from the date of the mailing of the notice of suspension or penalty based on the date of the postal receipt, to request, in writing, an appeal hearing from **FOSH** Inspection Program. If no request for an appeal is received by **FOSH** Inspection Program, in the appropriate period of time, no appeal will be granted and the suspension will begin automatically on the twenty-first (21st) day after the date of the mailing of the notice of suspension or the date indicated in the suspension notice.

Requests for an appeal hearing must be forwarded to **FOSH** Inspection Program to the address indicated in the suspension notice, and accompanied by a postal draft or cashier's check for Three Thousand, Five Hundred Dollars (**\$3500.00**), made payable to **FOSH** Inspection Program. Appeals received without the filing fee will be considered not to have been made in the appropriate time window. Appeals must note the specific reasons why the individual(s) believe that the ticket was inappropriate or incorrectly issued.

**FOSH** will conduct the appeal process via a conference phone call. Appeals will be scheduled for period within thirty (30) days of receipt of the request for an appeal. All identified parties including the respondent(s), and the APHIS Horse Protection Coordinator will be notified by certified mail as to the date, time and particulars of the conference call at least ten (10) days in advance of such conference call. In the event that the appeal is decided in favor of the individual charged with the violation, the appeal fee will be refunded in total. If the appeal results in a reduction in penalty or fine, half of the appeal fee will be returned. In order to safeguard the time line for appeals, individuals are requested to send requests via certified mail, although this is not required. Requests for appeal forwarded by e-mail, fax communication, telephone or telegraph are not allowable.

**FOSH** must submit to USDA their decisions for ticket appeals within 30 days of the appeal decision completion. Violators will need to have the appeal process completed or begin observing the assessed penalty within 60 days of the date of the violation.

Individuals desiring to appeal a violation must file a request on their own behalf. No person may ask for a hearing on behalf of another person. All individuals charged with violations have the right to appear before the enforcement committee and to bring forth witnesses to testify on their behalf.

**8.2** The decision of the hearing committee will be mailed to the respondent via certified mail within ten (10) days of the completion of the hearing.

**FOSH** Inspection Program will name the three individuals who will set on the hearing committee and render a decision on the appeal. The committee will be comprised of an attorney, a licensed **DQP**, and a third member of the corporation's choosing. A record of the deliberations will be maintained by the **FOSH** Inspection Program for the length of the suspension awarded to any individual(s) whose tickets are upheld by the committee.

### **8.3 Show or Event Managers**

Show or event managers will forward all information that they may have relating to violations to **FOSH** Inspection Program for possible use in appeal hearings. This must be done within 7 working days of completion of the event.

#### **8.4 Frivolous Appeals**

If the members of the committee should decide that an appeal has been filed for the purpose of keeping a person or horse eligible for show ring competition during the waiting period for the appeal. **FOSH** Inspection Program will levy additional penalties against the horse and/ or person filing said request for the appeal.

#### **8.5 Waiver of appeal Rights**

In order to not delay the beginning of a suspension period, Violators have the option of signing a Waiver of their Appeal Rights at the time of the violation. If they elect to sign this waiver, the suspension period will effectively begin immediately. This Option is not available if the nature of the violation requires payment of a fine.

### **Section 9. Actions against a DQP**

#### **Section 9.1 Request by APHIS for issuance of Letter of Warning (LOW).**

A letter of warning (LOW) is an official notice of unsatisfactory **DQP** performance. A LOW may be requested by a VMO or other APHIS official when it has been determined that a **DQP** has failed to perform their duties in a satisfactory manner. A LOW shall be issued by **FOSH** to the **DQP** within two weeks of having received written notice from APHIS of a **DQP**'s poor or unsatisfactory performance. While it is not **FOSH**'s intention to dispute the findings of the VMO or other APHIS officials, it is understood that there is a two week window for **FOSH** to submit any evidence or documentation for APHIS to review in determining if the request for the LOW shall be upheld.

Upon receipt of the notice from APHIS for the LOW to be issued, the license of the **DQP** will be immediately suspended, pending the resolution of any appeal process that might be initiated. In the event that the request for the LOW is upheld, the license of the **DQP** will be suspended for a minimum of forty-five (45) days (first occurrence). On any subsequent request from APHIS for a LOW, the license of the **DQP** will be cancelled and will not be renewed by **FOSH**.

#### **Section 9.2. Protest and Charges Filed against a DQP for Misconduct**

Individuals who present horses for inspection before a **DQP** licensed by **FOSH** have the right to expect courtesy from the inspector and consistency in inspection procedures. Thus, individuals who feel that they have been inappropriately dealt with by a **DQP** have the right to file a protest alleging misconduct. Issuing a Violation Citation is not in itself grounds for initiating an action for misconduct. Protests regarding the performance or personal conduct of **DQPs** must be received by **FOSH** within seven (7) working days of the event and must be accompanied by a Five Hundred Dollar (\$500 fee), payable by postal money order or cashier's check.

If the complaint is found to be valid the protest fee will be returned in full to the person who filed the complaint. The **DQP** coordinator, after making an initial assessment of the alleged misconduct, will attempt to reassign **DQPs** to cover shows, pending the outcome of the hearing on the protest. A hearing committee, consisting of three members of the corporation's choosing, one of which must be **FOSH** Inspection Program **DQP** coordinator, (unless he or she is the subject of the complaint, in which event another senior **DQP** will be assigned) will hear the facts in the complaint and will render a decision within ten(10) days of the hearing.

The **DQP** and the complainant have a right to appear at the hearing and to call witnesses both in defense of conduct and to support the complaint. The hearing process will be conducted via a conference phone call. The procedure for calling a hearing for misconduct shall be as outlined above for other types of

hearings. The APHIS Horse Protection Coordinator will also be notified of the hearing date at least seven (7) working days in advance.

The decision in a **DQP** misconduct hearing will be final at the hearing committee level. Any finding of misconduct will result in the immediate termination of the **DQP** license. The names of **DQPs** who have licenses removed for any reason, either as a result of a hearing committee action resulting from a charge of misconduct, or for other reasons as outlined previously in this manual, will be released to the public via a news release that will outline the specifics of the decision to withdraw the license.

Should the hearing committee not find cause to remove a license, but finds sufficient cause to issue a letter of warning to the **DQP**, such a letter will be sent within ten (10) days of the hearing to the **DQP** in question, and a copy to the complainant. Additionally, a letter of warning will require a minimum forty-five (45) day suspension of the license. A second letter of warning for similar or related behavior will result in termination of the **DQP** license.

The suspension of the **DQP** license for any reason will be reported to the APHIS Horse Protection Coordinator by certified mail, along with a written report of the proceedings forwarded by **FOSH** Inspection Program.

### **Section 9.3. Appeal of Revoking or Cancellation of DQP license.**

In the event that a **DQP's** license is cancelled or revoked by **FOSH**, the **DQP** does have a right to appeal this action to the APHIS Administrator 9 CFR Section 11.7(f)(l). If the APHIS Administrator finds insufficient cause to cancel the license, **FOSH** will reinstate the license.

### **Section 10. Responsibilities for Organizations Affiliating with FOSH Inspection Program .**

Event managers are advised to review the entire section 4 of this manual which enumerates the scope of authority of the **DQP**, the requirements for the inspection area, inspection process, the outline of the scar rule, and prohibited items.

Event managers who engage **FOSH** Inspection Program to provide **DQP** services are considered to be affiliated organizations and will abide by all rules and regulations of **FOSH** Inspection Program . This means that such organization agrees to abide with all of the provisions of the Act. The event manager will publish the affiliation of event with **FOSH** Inspection Program on its show programs.

Event managers agree as a condition of affiliation that the **DQP** is the sole authority in the inspection area, unless USDA personnel are in attendance, and they further agree not to interfere with the inspection process in any way. Any information requested of show management by the **DQP** must be presented in a timely manner.

Event managers will not disclose the identity of the **DQPs** to exhibitors prior to the show. Should USDA personnel arrive at an **FOSH** Inspection Program affiliated event, organizers agree to provide them with access to records or any other service that they may require in the performance of their official duties.

At a minimum, event organizers must provide the following for **FOSH** Inspection Program assigned **DQPs**:

- Clerical support, unless the **DQP** provides his own support.
- Shelter from the elements and appropriate lighting if the event will continue past sunset
- A secure holding area separate from the inspection area but viewable by the **DQP**
- In the event of a large show, a designated observer in the holding area other than the **DQP**
- Tables and chairs as required to support the clerical worker and to afford the **DQP** a place to relax when possible

- A minimum of a half hour lunch and an appropriate dinner break for the **DQP**.
- Copies of the class sheets from each event with complete identification information for each horse and rider/trainer/owner

### **Section 11 Refusal to Re-affiliate or to Affiliate**

**FOSH** Inspection Program reserves the right to refuse to affiliate or to re-affiliate any event where the event organizers have failed to comply with the provisions of the Act, its amended regulations and the rule book of **FOSH** Inspection Program; where fees for services have not been paid; where the **DQP** has been interfered with in the performance of his duties; where USDA representatives have not been treated appropriately; where records from the event have not been made available; where support services for the **DQP** have been inadequately provided; where the **DQP** was not paid his fee and other expenses in a timely manner; or where event organizers express concerns about ensuring complete compliance with the Act and its amended regulations.

### **Section 12 Relationships with Other Certified HIOs**

**FOSH** Inspection Program will cooperate with all other USDA certified HIOs in enforcing HPA suspensions, and in making available the names of its licensed inspectors. **FOSH** Inspection Program may also make its initial and annual training programs available for participation by **DQPs** from any other USDA certified inspection program who wish to avail themselves of such training and will provide certificates of completion to the home program if requested or required.

### **Section 13. Record Keeping**

The administrator for **FOSH** Inspection Program will keep all records in his/her possession and will make them available for presentation to the federal auditor each year. These records include but are not limited to: copies of the personality profile for each **DQP**; copies of the examinations for each **DQP**; copy of the current rule book for **FOSH** Inspection Program; copy of the organizational structure for **FOSH** Inspection Program and the officers of the organization; copies of all notices of alleged violations and copies of supporting documents; copies of all show records by class showing both pre and post inspection numbers; copies of the after action reports of each **DQP** and the post show critique by show managers; copies of all requests to affiliate shows. The records shall be maintained in separate folders for each activity, with all paperwork relating to each show, sale or exhibition, contained therein.

**DQPs** are responsible for the forwarding of all post show records. A **DQP** may not be assigned to a follow-on activity if the paperwork from a prior assignment has not been completed and forwarded to the Administrator.

Copies of each year's audit results will be retained by the Records Administrator. Records for each reporting year will be retained for five years and may then be destroyed.

**FOSH** officers, and representatives are reminded that the intentional telling of a falsehood to a federal auditor is a crime. All questions at audit are to be answered fully, accurately and to the fullest extent possible.

## **Appendix A: IJA Shoeing Regulations** Copied from Article 4 of IJA Rulebook

### **401 General Shoeing Information**

The intent of the **FOSH** program is to progress to the point where horses are evaluated on the basis of what they do (way of going) rather than on the arbitrary distinction of how they are shod. **FOSH** is committed to shoeing practices that correspond with the protection of the horse's foot and structure rather than the use of the shoe as a gait enhancer or "action device".

- The largest permissible shoe at any **FOSH** sanctioned show will be the 1 inch shoe and it will only be allowed on horses four years of age and over and in specified divisions.
- Any shoeing practice that detracts from the integrity of the animal's foot or that is done with the intent of creating exaggerated performance is prohibited at **FOSH** sanctioned events.
- The shoe must fit the horse's natural foot. The foot cannot be filed away to give the appearance of a smaller foot nor can it be vised to fit a smaller shoe size. Contracted heels will be scrutinized by judges and penalized if there is a suspicion that the contraction has resulted in a "sensitive" foot.
- No additional weight is allowed on or in the hoof, or added to or concealed in the shoe. The horse may wear only a properly forged shoe attached with nails and no bands.
- Borium not to exceed 1/8 " in thickness is permitted on the shoe.
- Welded on clips are not permitted. Clips that are drawn from the shoe itself are permitted.
- In all gaited horse classes pads, including rim pads, and bands are prohibited.
- Bar shoes are prohibited, unless required for therapeutic purposes. See Article 406
- The toe length must not exceed 4½ inches including the shoe in any division.
- In accordance with the USDA heel/toe ratio, the toe length must exceed the height of the heel by 1 inch or more. The length of the toe will be measured, with the horse standing on a flat surface, from the coronary band at the center of the anterior portion of the hoof, following the angle of the hoof, to the ground and will include the shoe. Height of the heel will be measured, with the horse standing on a flat surface, from the most lateral portion of the rear pastern, at a 90 degree angle to the ground and must include the shoe.
- The size and type of shoes allowed in **FOSH** sanctioned competition is to be determined by show management and must be listed on show programs.
- Horses exhibited at **FOSH** sanctioned events are to be shod in accordance with accepted principles of farrier science in order to protect the animal's feet and to ensure correct footfall, rather than primarily to enhance performance.
- **FOSH** sanctioned shows do not allow timeouts for thrown shoes in classes. Exhibitors whose horses throw shoes may elect to be excused from the ring or to complete the class minus a shoe. Shoes that are thrown in the ring will be presented to the **DQP** at the conclusion of the class for inspection.
- As of January 1, 2010 the Natural Balance Shoe is permissible in all classes.
- As of January 1, 2012 the maximum shoe allowed at **FOSH** sanctioned shows is the Lite Shoe as described. The 1 inch shoe will no longer be acceptable.

#### **402 Keg Shoes**

**Unaltered** factory made shoes of the sort normally referred to as a keg shoe are permissible with the exception of toe weighted shoes, like the Diamond Toe Weight. Material in the keg shoe must be of a consistent type. Only clips drawn from the shoe itself are permitted. No additional weight can be added to the shoe-no pieces of shoe can be cut off, nor can anything be welded or added to the shoe. A heeled shoe is permitted but trailers on keg shoes are prohibited. No turned back caulks, only poured caulks on the originally manufactured shoe allowed. Rear sliding plates used on reining horses will be allowed in all classes provided that the horse is entered in a reining class at that competition. Keg shoes are allowed in all divisions. **The wide web keg (machine made) shoe is allowed in all classes that allow keg shoes.**

#### **403 Lite Shod Shoe**

On both front and rear hooves, the (hand-made) lite shod shoe must be no wider than  $\frac{3}{4}$  inch and no thicker than  $\frac{3}{8}$  inch. No bare plate or additional weight will be allowed inside the shoe or attached in any way that meets the hoof. A caulk is permissible but it must be no thicker than  $\frac{3}{4}$  inch. The turn back must not exceed 1 inch, measured from the forward edge of the caulk to the inside fold of the caulk. The shoe must not extend more than  $\frac{1}{4}$  inch beyond the hoof at the toe. Trailers no longer than  $\frac{1}{2}$  inch in length (measured from the point the trailer turns away from the shoe to the end of the trailer on the short side of the trailer) are permitted on hind shoes. The entire shoe including the caulk or trailer is not to extend behind the bulb of the horse's heel when a perpendicular line is drawn from the bulb of the heel to the ground.

#### **404 The 1 Inch Shoe**

On both front and rear hooves, the (hand-made) 1 inch shoe must be no wider than 1 inch and no thicker than  $\frac{1}{2}$  inch. No bare plate or additional weight will be allowed inside the shoe or attached in any way that meets the hoof. A caulk is permissible but it must be no thicker than 1 inch. The turn back must not exceed 1 inch, measured from the forward edge of the caulk to the inside fold of the caulk. The shoe must not extend more than  $\frac{1}{4}$  inch beyond the hoof at the toe. Trailers no longer than 1 inch in length (measured from the point the trailer turns away from the shoe to the end of the trailer on the short side of the trailer) are permitted on hind shoes. The entire shoe including the caulk or trailer is not to extend behind the bulb of the horse's heel when a perpendicular line is drawn from the bulb of the heel to the ground. A horse must be 4 years or older to exhibit with the 1 inch shoe.

#### **405 Exhibition of Weanlings and Yearlings**

Weanlings and yearlings exhibited at **FOSH** sanctioned events must be shown barefoot with a toe that does not exceed 3.5 inches in length.

#### **406 Therapeutic Shoeing**

In an attempt to allow horses with conditions like navicular or complications from founder to compete in a comfortable manner, therapeutic shoeing may be permitted on a case-by-case basis. In all gaited horse classes pads, including rim pads, and bands are prohibited. Bar shoes are prohibited, unless required for therapeutic purposes. Contact the IJA Director of Judges for a Request for Therapeutic Shoeing Dispensation.

#### **407 Use of Repair Materials**

Occasionally due to normal wear and tear or injury, the use of bondable materials like acrylics are required to return the hoof to a condition where it can retain a horseshoe. Acrylics or fillers are prohibited for the artificial extension of toes. The use of materials is permissible for hoof repair. Such repairs cannot exceed more than 25% of the total surface of the foot. On a foot where an acrylic or filler repair has been made, black hoof polish cannot be applied in order to allow the **DQP** to scrutinize the repair to ensure compliance with this rule.

#### **408 Hoof Polish**

Hoof polish is not a consideration in judging. Clean, healthy hooves are preferred. Clear hoof polish is allowed but not required. Black hoof polish is not prohibited, except as restricted in Article 407. **As of March 1, 2014 Black Hoof polish is prohibited for Tennessee Walking Horses, Spotted Walking Horses and Racking Horses only.**

#### **409 Removal of Shoes and Casting of Shoes**

If a shoe is cast or removed and the shoe is in violation of the **FOSH** regulations for shoeing, the entry will be disqualified for the remainder of the competition and all entry fees, prizes and awards will be forfeited. The cost of removal of any protested or contested shoe, or of any shoe found on a horse suspected by

the **DQP** or VMO of being pressure shod, is the responsibility of the owner. If the protest is not upheld, the individual filing the protest will reimburse the owner or gent up to \$25 to cover the replacement of the contested shoe. The owner will bear the cost of removal and replacement of a shoe challenged by a **DQP** or VMO regardless of the outcome of the challenge.

If the owner or agent refuses to allow a shoe to be pulled, the entry is disqualified from any further participation at the competition, all awards and prizes in the competition are forfeited, and all fees are forfeited.

#### **410 Tungsten Shoes**

Tungsten shoes or any other similar excessive weight shoes will NOT be permitted at **FOSH** sanctioned shows, even if they measure legal as either a lite-shod or 1 inch shoe.

The weight of these shoes, as reported by the USDA, is far in excess of either lite-shod, 1" or traditional heavy shod 1 ½ " shoes. While this type of shoe may meet the dimensions of the traditional lite-shod shoe, allowing a shoe of this excessive weight to be used in a lite-shod class would not meet the intended spirit of the definition of a 'lite-shod' shoe.

Photo courtesy of USDA Animal Care 2004



#### **IJA Rule Book - Appendix C: Forms**

- Request for Certification as a **DQP** for **FOSH**
- Request for Renewal of **FOSH DQP** License
- Request to Affiliate Horse Show
- Responsibilities of Event Management
- Show Management After Event Report
- Acknowledgment and Waiver of Liability