

HIO Meeting Summary

March 14, 2006
Springfield, MO

Present: Don Bell (NWhA), Donna Benefield (HPC), Keith Dane (FOSH), Glenn DeGraffenried (HOA), Craig Evans (TWHBEA), David Finger (KWhA), Niels Holch (HOA), Lonnie Messick (NHSC), Bob Nagel (MFTHBA),
Not Present: Mack Motes (SSHBEA) and Kenny Smith (KWhA), and Bob Wright (SSHBEA)
USDA: Dr. Todd Behre, Dr. John Poe, and Mike Tuck; Facilitator Robin Lohnes

Review of February 14, 2006, Teleconference Summary:

The February 14, 2006, teleconference summary was reviewed and approved.

USDA Monthly Report (Dr. Behre)

USDA Listening Sessions: Dr. Behre reported that he had given an abbreviated HPA presentation to the West Virginia Horse Council in Ripley, WV. He also confirmed the dates and venues for the next three USDA Listening Sessions: April 19, 2006 (Sterling Hotel – Dallas, TX); May 17, 2006 (Center for Rural Development – Somerset, KY) and June 12, 2006 (Cal Poly – Pomona, CA).

2004/2005 Cumulative Show Reports: Dr. Behre distributed summary reports for 2004 and 2005 which include information, categorized by HIO, the number of show/sales, number of horses inspected, number of total inspections, number of violations, and number of suspensions when USDA was present and when USDA was not. The summary report also includes the number of conflict resolutions initiated, the number of Federal cases and the dollar value of assessed USDA penalties under HPA for each year.

February/March 2006 Show Reports: Dr. Behre reported that in addition to the joint training session held in February in Shelbyville, USDA attended the NHSC-affiliated Louisiana Jubilee in Monroe, LA, on March 3, 2006. There were 81 entries, 5 tickets, involving 7 violations (2 scar rule violations and 2 unilaterally sore), 0 conflict resolutions. Dr. Behre added that there were approximately 20 horses randomly swabbed pre-show and that USDA had not yet received the results from the lab. USDA also attended the NHSC-affiliated [Hamassas] Shriner's Jubilee in Starkville, MS, on March 4, 2006. There were 44 entries (down from 196 the previous night), 2 violations (both scar rule) and 0 conflict resolutions. There were approximately 20 horses randomly swabbed pre-show.

Update on Technology: USDA is requesting each HIO to provide the source of the grease they distribute at horse shows (manufacturer, product name and number and MSD data sheet). Craig Evans confirmed that TWHEBA used Walgreen's Vaseline, and Dr. DeGraffenried reported that HOA uses Mobil lubricant. Dr. Behre also reported that the algometry project was on temporary hold until completion of the listening sessions due to manpower resources. However, he added that two separate groups of horses have been offered for the study. A discussion followed regarding USDA's goals for the algometry study. Dr. Behre reiterated the Department's goal to seek a screening tool which may also serve as a potential follow-up tool. Don Bell added that one of the goals is to make digital palpation less subjective, and Donna Benefield noted that the use of algometry would invalidate arguments that horses exhibiting pain responses during palpation were due to too much pressure. Don Bell stated that NWhA encouraged that the study results be made available.

Re gas chromatography and foreign substances, USDA will begin to analyze all data taken from individual swabs taken randomly pre-show AND post-show. Dr. Behre announced that effective March 14, 2006, an official notification (Form 7060) will be sent to all persons (owners, trainers, exhibitors) via certified mail re illegal foreign substance violations. Dr. Behre will check to ensure that the HIOs also receive notice of those receiving 7060s. Although HIOs may issue foreign substance violations and/or penalties based on the swab results, USDA will not require them to do so at this time. Legislative Affairs is expected to publish a press release to this effect. It was requested that the number of 7060s be included in the monthly USDA reports. Keith Dane asked whether the issuance of the 7060 notification would be followed by the issuance of an HPA

violation in the future. Dr. Behre indicated that the 7060 notification is one step in the introduction of the sniffer technology to the inspection program. Any additional initiatives involving prosecutions would be announced to the HIO working group prior to any new changes in policy. Niels Holch inquired about the chain of custody re each sample and Dr. Behre responded that protocols were already in place to preserve the chain of custody, noting that each sample box has its own documented chain of custody and all information from each entry form will also be recorded. USDA will track the name of the event, location, number of swabs, results detected, and number of entries. Once this information is compiled it will be posted on the USDA website, and will not include names of individuals not horses. Bob Nagle asked if it was possible for USDA to provide MFTHBA a sample of the information USDA will be posting so MFTHBA can also post it on their website. The HIOs requested the Department include a link on its HPA website to a site which provides an explanation of the procedures (and a picture) along with the results of the ongoing analysis.

Niels Holch expressed concern that the technology USDA is pursuing may be moving independently of the OP, and that random post-show samples fall outside of the current OP in which foreign substances is a non-correctable offense. He suggested that this needed to be added to a future agenda for further discussion. Bob Nagle suggested that perhaps it would be better to have a one or two year OP rather than a three year plan in order to afford additional amendments during a three year time frame. Niels Holch also expressed frustration that he had not yet received a response from the Department as to the status of two cases that he has viewed as double jeopardy. Mike Tuck suggested that Niels contact the Under Secretary again, as it was beyond the purview of Dr. Behre.

Dr. Behre asked all HIOs to review the 2004/2005 report summaries distributed earlier for accuracy. He noted that HIOs and show management vary in how they record total of numbers of horses and total number of entries. Effective immediately, NWA, HPC and FOSH will provide the total number for horses entered in each show, in addition to the total number of entries. It was pointed out that by taking a percentage of violations from the total number of entries (rather than the number of horses entered in the show) skews the results. It was also pointed out that not all shows were able to compute the total number of horses entered in a show. Dr. Behre commented that perhaps USDA could ask for the class sheets and compile the information for those who could not. At the very least, Dr. Behre would like have the HIOs provide a running monthly suspension list report, which is required by the OP. Prior to the April teleconference, USDA will email each HIO requesting that each HIO provide such a report.

Follow the Horse Report (Keith Dane/Niels Holch)

Keith Dane gave a brief overview but reported that he and Niels were still waiting on NHSC and KWHA data to input into the final report and asked that it be tabled until the April teleconference.

Review of OP

Keith Dane asked what it would take to have a zero tolerance on the scar rule. He distributed copies of FOSH's proposed operating plan changes (a copy of which is attached) and questioned the need for an OP if there continued to be a real/perceived credibility gap among some of the HIOs and their ability and/or willingness to enforce the HPA. Among the FOSH proposed changes is language specifically defining criteria for HIO decertification to which each HIO representative was asked to comment.

Don Bell stated that NWA is not willing to sign an OP until all of the HIOs can prove they will follow the OP, and supports additional criteria to be added to the OP relating to specific circumstances under which HIOs are to be decertified. Additionally, Don restated NWA's request for the public to be engaged in the OP discussion.

Bob Nagle with MFHTA noted that they had recently added an evaluation form for their DQPs. Re specific language concerning a no suspension penalty system (disqualification plan) he stated he would need more information and would have to review any proposed changes with this Board.

David Finger, speaking on behalf of KWHHA, commented that KWHHA supported at least some form of the OP because it provided a set of guidelines for the HIOs. KWHHA would support a disqualification plan if it was uniform among all HIOs.

Lonnie Messick (NHSC) also stated that the OP provided a set of guidelines and that NHSC would be willing to look at a disqualification plan in more detail but it would have to be enforced uniformly among all of the HIOs.

Craig Evans (TWHBA) stated that the greatest purpose of the OP is to put Department policy in writing so folks know where they stand and to afford joint training of VMOs and DQPs. Re no-suspension/disqualification plan, he expressed his reticence, commenting that it(soring) might get worse before it got better.

Dr. DeGraffenreid (HOA) stated the OP provided structure. With regard to a disqualification plan, he thought that DQPs might be more apt to turn a questionable horse down if there is only a DQP present but no penalty, and felt it eventually would be a self-limiting deal.

Donna Benefield (HPC) noted that it is a matter of trust and confidence among the trainers and industry leaders and they have not shown they can be trusted. She suggested that USDA evaluate the numbers of each HIO for 2006 and then perhaps implement a disqualification plan.

Dr. Behre suggested a need to look more closely at evaluating DQPs and try to determine what percentage of turn back of animals is reasonable and acceptable, although he restated the HPA Team's reluctance to issue LOWs to DQPs. It was suggested that an ad-hoc review committee be formed to discuss how best to evaluate DQP performance. Donna Benefield and Lonnie Messick volunteered to look into possible evaluation criteria and give an update at the April teleconference.

There was general discussion as to how FOSH's proposed language might level the playing field and Keith recommended further discussion to scope out specific language to include in the OP.

Another issue discussed was the sharing of suspension lists. Keith Dane noted that the current HIO/HPA suspension list acts as a deterrent; yet, not all HIOs make their suspension lists available to the public. Additionally, Don Bell noted that the NWHHA suspensions are not being honored under the current plan.

Donna Benefield concurred, and distributed a copy of a letter to Dr. Behre outlining HPC's proposed changes to the OP (a copy of which is attached) which includes a request to USDA to publish the suspension lists of HIOs on a USDA website. Addressing a concern as to the accuracy of any suspension list, it was suggested that USDA provide a link to each HIO on its website so that the public could access an HIO's suspension list directly. This will be put on the agenda for the next teleconference. Also among HPC's recommended changes is to prohibit all individuals serving a suspension from the show grounds, and to require all individuals to be free of any violations of the HPA and/or its regulations, whether it be through a USDA Administrative Law decision, a consent decision or a USDA certified HIO/DQP ticket. This was also designated as a carry over item for the next teleconference.

There was discussion regarding submitting standardized forms. Dr. Behre stated that the team conducting the HIO audits is committed to coming up with a standardized show report including 1) tickets; 2) DQP reports; and 3) Suspensions. To that effect, there was general consensus from the HIO reps present that all HIOs should submit the same data, in the same format, in a timely manner.

Re the scar rule, Niels Holch suggested trying to incorporate the curriculum used at the joint training into language appropriate for the OP. Dr. Behre suggested it might be better to incorporate the joint training into the scar rule pamphlet rather than the OP. Lonnie Messick and Donna Benefield volunteered to draft language to be presented and discussed at the May teleconference. Donna also distributed a copy of the Department of Agriculture's Proposed Rule 9 CFR Part 11 [Docket No. 92-001-1] and asked that it be included with this meeting summary.

Determine April 11, 2006 HIO Teleconference

- Tentative Agenda:
 - Review of March 14, 2006, meeting summary
 - USDA Show Report
 - FTH Report
 - Decertification
 - DQP Evaluation
 - Suspension Lists Linked from USDA's Website
 - Conflict of Interest

Attachments

The following documents are included in the meeting summary by request:

- 1) FOSH Proposed Operating Plan Changes
- 2) Horse Protection Commission letter dated March 14, 2006, to Dr. Todd Behre
- 3) Department of Agriculture's Proposed Rule 9 CFR Part 11 [Docket No. 92-001-1]