

Smith Lilly
1821 Mercer Springs Road
Princeton, WV 24739

Comment Regarding APHIS Proposed Rule

To Whom It May Concern:

My name is Smith Lilly. My wife, Alexandra, and I operate Mercer Springs Farm, a show horse training facility in Princeton, WV, where we train 44 American Saddlebred Horses and Hackney Ponies and employ nine full time employees. I am First Vice President of the United Professional Horsemen's Association (UPHA), an organization made up of professional horsemen and horse owners dedicated to advancing the sport of showing horses and bettering the lives of horses and horse owners of many breeds. I, and UPHA, support and applaud USDA's efforts to end the abhorrent practice of soring horses for competition. We recognize, regrettably, that the Horse Protection Act (HPA), as currently enforced, has not ended the practice of soring as it was intended to do. For this reason, the UPHA, along with most national equine organizations, are on record in support of the Prevent All Soring Tactics (PAST) Act recently before Congress.

However, I, UPHA and most other national equine organizations cannot support the current executive action proposed by USDA and APHIS, due to its lack of specificity and potential to adversely effect many equine breeds which have absolutely no history of soring, and no incentive to engage in the practice. We supported the PAST Act, which forbids the use of pads, wedges etc. on three specific breeds: Tennessee Walking Horses, Racking Horses and Spotted Saddle Horses. The currently proposed APHIS rule forbids the use of pads, wedges etc. on "Tennessee Walking Horses, Racking Horses and related breeds," and also refers to horses that perform with an "accentuated gait." I, and the UPHA, strongly object to the term "related breeds" and the reference to horses that perform an "accentuated gait." Consider three facts. First, all equine breeds are necessarily related, so this or future administrations could subject any and all breeds to inspections and all equestrian competitions to the requirements for shows contained in the proposed rule. Second, all breeds or types of horses that compete in any way do so with "accentuated" gaits. Race horses run in an accentuated fashion. Hunters and Jumpers jump fences in an accentuated way. Dressage horses perform a variety of accentuated movements. Arabians, American Saddlebreds, Morgans, Hackneys, Friesians, Shetlands, Roadsters, National Show Horses and Dutch Harness Horses, among other breeds, all trot with accentuated movement in the show ring. Third, pads and wedges are used by all of the aforementioned breeds to help maintain soundness in many horses. I am certain that veterinarians and farriers have testified to the benefits of pads and wedges in keeping horses sound in sufficient numbers and levels of expertise as to remove any reasonable doubt from the issue of the beneficial nature of pads and wedges in the vast majority applications. But, from a professional horseman's perspective, I want to state unequivocally that for many horses, pads

and wedges are essential therapeutic devices to maintain soundness. So, as currently written, the proposed APHIS rule could be construed by this or subsequent administrations to apply to any and all horses competing at horse shows, and could adversely impact the soundness of many of them. To ban the use of pads on all horses would be, to speak plainly, to throw the baby out with the bath water. Further, the proposed restrictions and requirements for horse shows would significantly increase the cost of showing horses and negatively impact the horse industry as a whole.

To return to the issue of soring, UPHA does not dispute that pads are sometimes used to conceal soring devices in Tennessee Walking Horses, Racking Horses and Spotted Saddle Horses. To get to the root of the issue, one must understand that these horses compete at a four-beat gait, with each hoof striking the ground independently, thus the term “gaited horses.” When these horses are sore in their front limbs, they will bear more weight on their hind legs to relieve the pain, which does in fact accentuate their gait, which of course is why people do it. Note that these three breeds are the only breeds to show with breast collars attached to their saddles. They must do this because these horses lower their hindquarters to such an extent that the saddle would slide backwards on the horse absent a breast collar to hold it in place. Soring accentuates this lowering of the hindquarters. On the other hand, American Saddlebreds, Arabians, Morgans, Hackneys, Friesians, Shetlands, Dutch Harness Horses, Roadsters and National Show Horses, the breeds represented by UPHA, all trot in the show ring. The trot is a two-beat diagonal gait in which each front leg and the diagonal hind leg strike the ground together and at an equal interval from the corresponding pair of legs. Any unsoundness, or soreness, produces an uneven and unattractive way of going at the trot that would be severely penalized in the show ring, which is why none of the aforementioned breeds have ever been found to have been sored, or subject to inspections under the HPA. Not only is there no incentive to sore a trotting horse, there is a strong disincentive to do so. Furthermore, all breeds represented by UPHA are also affiliated with the United States Equestrian Federation (USEF), the national governing body of equestrian sport, and show under its rules. USEF strictly enforces prohibitions on any type of equine abuse, including but not limited to soring. USEF also requires severe penalties or elimination from competition for any unsoundness in a horse. It is instructive to note that the gaited breeds (Tennessee Walking Horse, etc.) withdrew from USEF more than a generation ago.

UPHA is not here solely in opposition to the proposed APHIS rule; as stated, we support efforts to end the practice of soring. However, we do find the current language unreasonably vague and unspecific. USDA and APHIS know which breeds sore horses, and they should name them specifically. Further, all trotting breeds should be specifically excluded from the proposed rule, as many horses that trot need pads to stay sound, and no trotting breed would ever find soring to be anything but detrimental to their horses’ performances.

On a final personal note, I question why the language of the PAST Act, specifically naming three breeds as soring offenders, was changed to the unspecific “related breeds” wording in the currently proposed rule. I hope the change was not due to pressure from the animal rights community. The USDA would do well to note that the eventual goal of many, if not most, in the animal rights community is the total eradication of all animals from the agriculture industry. Likewise, many, if not most in the animal rights community favor the eventual eradication of animals from sporting activities, and even from being human companions. Anyone who earns a living working with animals or enjoys their companionship should be wary of the animal rights community. The equine community, and America as a whole, has a long and proud tradition of mutually beneficial human-animal relationships, a tradition we will fight to pass on to our children and grandchildren.

Respectfully Submitted,

Smith Lilly
UPHA First Vice-President