

# Support the Prevent All Soring Tactics (PAST) Act (S. 2295/H.R. 5441)

S. 2295 was introduced by Sens. Crapo (R-ID) and Warner (D-VA) with 46 other original bipartisan cosponsors on 6/24/2021, and H.R. 5441 was introduced by Reps. Cohen (D-TN), Fitzpatrick (R-PA), Schakowsky (D-IL) and Buchanan (R-FL) with 209 other original bipartisan cosponsors on 10/1/2021. This legislation is endorsed by hundreds of stakeholder groups and individuals across a broad spectrum.

## The Problem: Cruel soring of show horses



Unknown/The HSUS

Congress enacted the Horse Protection Act (HPA) in 1970 to make illegal the abusive practice of “soring,” in which horse trainers deliberately inflict pain on Tennessee Walking, Racking and Spotted Saddle Horses’ hooves and legs to force the horses to perform an exaggerated, high-stepping gait and gain unfair competitive advantage at horse shows. Soring methods include applying caustic chemicals, using plastic wrap and tight bandages to “cook” those chemicals deep into the horse’s flesh for days, attaching chains to strike against the sore legs, inserting hard objects such as screws and resins into tender areas of the hooves, paring the soles of the feet down to sensitive tissue, attaching heavily weighted shoes and using salicylic acid or other painful substances to slough off scarred tissue to disguise the sored areas. Sored horses often live in constant and extreme pain throughout their show ring careers.

## Current law allows industry to police itself

Decades ago, USDA set up an industry-run enforcement system in which Horse Industry Organizations (HIOs) are authorized to train their own inspectors, called Designated Qualified Persons (DQPs), to inspect horses for soring at shows. But DQPs are employees of these show organizations—which have an incentive to allow horses to be shown—and are often exhibitors of Tennessee Walking Horses themselves. So, not surprisingly, many DQPs avoid citing violations by those who hired them, ensuring lenient oversight and widespread soring that goes undetected and unpunished.

## USDA Inspector General recommends program overhaul

Though the HPA was signed into law more than 50 years ago to protect horses from painful soring, this abuse continues unabated. A 2010 audit by the USDA Inspector General (IG) exposed how trainers in the industry go to great lengths to evade detection rather than comply with federal law and train horses using humane methods. The IG recommended stiffer penalties and eliminating the flawed system of industry self-policing, as well as increased funding to enable USDA to more adequately oversee the law.

## Equine veterinarians and horse groups call for reforms

The American Veterinary Medical Association (AVMA) and the key organization of equine veterinarians, American Association of Equine Practitioners (AAEP), along with the American Horse Council and many show horse industry groups, all endorse this legislation. AAEP issued a 2008 white paper condemning soring, calling it “one of the most significant welfare issues faced by the equine industry.” It called for the abolition of industry-run inspections, saying “the acknowledged conflicts of interest which involve many of them cannot be reasonably resolved, and these individuals should be excluded from the regulatory process.” AAEP also said, “penalties should be much more severe and consequential to owners, trainers and other support personnel than in the past.” AVMA and AAEP jointly urged Congress to “quickly pass PAST and put an end to the inhumane and unethical practice of soring, once and for all.” They’ve called for a ban on devices associated with soring: “[B]ecause the industry has been unable to make substantial progress in eliminating this abusive practice, the AVMA and the AAEP believe a ban on action devices and performance packages is necessary to protect the health and welfare of the horse.” AVMA’s president noted that soring, “has crippling physical and mental effects on horses.” In a joint statement, these lead veterinary groups stated, “For decades we’ve watched irresponsible individuals



**HUMANE SOCIETY**  
LEGISLATIVE FUND™

become more creative about finding ways to sore horses and circumvent the inspection process and have lost faith in an industry that seems unwilling and/or unable to police itself.”

## Undercover investigation and enforcement track record

The HSUS's 2012 undercover investigation of champion Walking Horse trainer Jackie McConnell and his associates revealed that trainers sore horses and enter them into shows undetected, as McConnell did while serving a 5-year federal disqualification. Caught on tape painting caustic chemicals on horses' legs, the video also showed horses being whipped, kicked, shocked in the face and violently cracked across their skulls and legs with heavy wooden sticks. Prosecutors expressed frustration with the weak penalties available under the current HPA. In another case, trainer Barney Davis pleaded guilty to multiple violations of the HPA and related financial crimes, stating, “every trainer sored horses ... You have to. That's the bottom line ... Without the soring, without some kind of soring, the horse, they're not going to do the Big Lick” (the extreme high-stepping gait that wins prizes in segments of the industry). While we applaud these prosecutions, the violators had been engaged in soring and had gotten past industry inspectors for decades, as have many others. Their prosecutions are noteworthy because they are so rare. An analysis of the violation history of the top 25 trainers in the industry's Rider's Cup award program found those trainers had collectively amassed more than 500 citations for violating the HPA, but few resulted in actual suspensions and the suspensions typically were for a mere two-week period. At the 2019 Tennessee Walking Horse National Celebration (the pinnacle Big Lick event), top honors went to a horse trained by a serial violator of the HPA who had previously been disqualified for soring horses and was slated to begin one month later an 18-month disqualification. Almost all the other 2019 winners had also been disqualified previously for abusing horses and/or were waiting to serve a disqualification. Opponents of PAST claim that soring is an exceedingly small problem they have under control, and they falsely tout high compliance rates using deeply flawed and intentionally misleading methodology. In 2019, according to USDA, more than 65% of sampled horses tested positive for prohibited substances that could mask soring.



Unknown/The HSUS

## Prevent All Soring Tactics Act will make urgently needed reforms to end this torture of horses

- **End the failed system of industry self-policing.** USDA will train, license and assign inspectors to horse shows instead of having HIOs choose who conducts inspections. Shows will still have the option of hiring inspectors or declining to do so; show management who opt out will (as in current law) risk greater liability if soring is uncovered at their show.
- **Ban the use of devices integral to soring.** Chains, weighted shoes, pads and other devices used on three specified breeds (to intensify pain and conceal foreign objects) will be expressly prohibited.
- **Strengthen penalties:** Criminal penalty of up to three years' jail time for core offenses now subject to only misdemeanor; increase fines up to \$5,000 per violation; for third violation, allow permanent disqualification from any horse show, exhibition, sale or auction; require disqualification of sore horses for increasing periods based on number of violations.
- **Make the actual soring of a horse—as well as the directing of another person to sore a horse—for the purpose of showing or selling that horse, illegal.**
- **Negligible taxpayer impact:** In 2019, the Congressional Budget Office (CBO) estimated that the PAST Act would cost about \$2 million per year to implement. This fits within USDA's budget for HPA enforcement. Congress boosted funding for this program to \$2.009 million for FY 2021 and to \$3.04 million for FY 2022. PAST will allow USDA to utilize this modest budget in a more efficient way that actually gets the job done rather than wasting tax dollars on a futile effort to babysit the corrupt industry self-policing entities.

“The AHC supports this legislation, as does the American Association of Equine Practitioners, the American Paint Horse Association, the American Morgan Horse Association, the Pinto Horse Association of America, the American Veterinary Medical Association and other groups. Various efforts have been made since enactment of the Horse Protection Act forty years ago to stop the soring of horses and they have not worked. This bill is focused on the problem it is intended to solve and does not adversely affect other segments of the show industry that are not soring horses and have no history of soring horses.” *American Horse Council, press release on 4/11/2013.*

For more information, please contact Mimi Brody at [mbrody@hslf.org](mailto:mbrody@hslf.org).