



U.S. Department of Agriculture  
Office of Inspector General



## **IMPORTANT NOTICE**

This audit report contains sensitive information that has been redacted for public release due to privacy concerns.

# Animal and Plant Health Inspection Service's Horse Protection Act Inspection and Disqualification Processes at Horse Show Events

## Inspection Report 33801-0001-22

OIG reviewed APHIS' Horse Protection Act horse show inspection and disqualification processes.

### OBJECTIVES

Our objectives were to determine whether APHIS established: (1) a policy for managing and monitoring conflicts-of-interest related to HPA inspectors; (2) an onsite appeals process for disqualifications at horse shows; (3) a standardized process to ensure inspectors apply consistent methods during their HPA inspections at horse shows; and (4) protocols to consistently communicate additional HPA guidance and expectations to horse show management across the horse shows.

### REVIEWED

We interviewed relevant officials, examined applicable laws, regulations, and APHIS' HPA policies and communications, and reviewed APHIS' HPA processes and activities for FY 2024.

### RECOMMENDS

We recommend APHIS: (1) establish a conflicts-of-interest policy; (2) monitor compliance with its conflicts-of-interest policy; (3) assess alternative dispute resolution feasibility; (4) update its [REDACTED] guidance; and (5) provide advance HPA guidance.

### WHAT OIG FOUND

The Horse Protection Act (HPA) is a Federal law that prohibits sore horses from participating in shows, exhibitions, sales, or auctions. The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) regulates certain HPA activities to ensure the humane care and treatment of horses. Through inspections, APHIS oversees managers of horse shows to ensure animals receive care and treatment that meets Federal standards.

During our inspection, we found that APHIS did not establish a formal policy to manage or monitor potential conflicts-of-interest for its inspectors that perform HPA inspections. As a result, APHIS has reduced assurance that its office can manage and monitor conflicts-of-interest should they arise during inspection operations. Additionally, we found that APHIS does not have a process in place to allow an onsite appeal when a horse is found noncompliant with HPA and subsequently disqualified. As such, horse custodians do not have the ability to immediately dispute noncompliance determinations identified by APHIS inspectors at horse shows.

In our review of HPA inspection guidance, we determined that APHIS, through various standard operating procedures, has documented a prescriptive approach to conduct consistent HPA inspections. However, our review [REDACTED] found [REDACTED] some procedures were not followed.

Finally, we determined that APHIS established protocols to consistently communicate HPA guidance and expectations to horse show management. However, the timing of the communication during the 2024 horse show season was not optimal and potentially presented an adverse effect at a horse show.

APHIS agreed with our findings and recommendations, and we accepted management decision for all recommendations.

**OFFICE OF INSPECTOR GENERAL**

United States Department of Agriculture

**DATE:** June 17, 2025**INSPECTION****NUMBER:** 33801-0001-22**TO:** Michael T. Watson, Ph.D.  
Administrator  
Animal and Plant Health Inspection Service**ATTN:** Melissa Tharp  
Deputy Administrators  
Marketing and Regulatory Program Business Services**FROM:** Yarisís Rivera-Rojas  
Acting Assistant Inspector General for AuditYARISIS  
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YARISIS RIVERA ROJAS  
Date: 2025.06.17  
17:43:23 -04'00'**SUBJECT:** Animal and Plant Health Inspection Service's Horse Protection Act Inspection and Disqualification Processes at Horse Show Events

This report presents the results of our inspection of the Animal and Plant Health Inspection Service's Horse Protection Act Inspection and Disqualification Processes at Horse Show Events. Your written response to the official draft is included in its entirety at the end of the report. Based on your written response, we are accepting management decision for all five recommendations in the report, and no further response to this office is necessary.

In accordance with Departmental Regulation 1720-1, final action needs to be taken within 1 year of the date of each management decision. Please follow your internal agency procedures in forwarding final action correspondence to the Office of the Chief Financial Officer.

We appreciate the courtesies and cooperation extended to us by members of your staff during our fieldwork and subsequent discussions. This report contains publicly available information and only publicly available information will be posted to our website (<https://usdaoig.oversight.gov>) in the near future.

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# Background and Objectives

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## Background

The Horse Protection Act (HPA) is a Federal law that prohibits sored horses from participating in shows, exhibitions, sales, or auctions.<sup>1</sup> According to the HPA, the practice of soring horses to affect their natural gait is a cruel and inhumane treatment of animals. Soring can be accomplished by using certain substances, devices, and/or practices that when applied to a horse's limb can cause physical pain, distress, inflammation, lameness when walking, trotting, or otherwise moving. A horse that has been sored will pick up its feet higher and faster, creating a highly animated gait that is desired in specific breed classes, such as those of Tennessee Walking Horses and Racking Horses.

The HPA, administered by the Animal and Plant Health Inspection Service (APHIS), was amended in 1976. The HPA authorizes APHIS' Animal Care (AC) program to regulate certain activities to ensure the humane care and treatment of horses. Through inspections and outreach, APHIS oversees thousands of groups, including managers of horse shows, to ensure animals receive care and treatment that meets federal standards. The HPA is enforced by both APHIS Veterinary Medical Officers (VMOs) and Designated Qualified Persons (DQPs).<sup>2</sup> DQPs are individuals licensed by a Horse Industry Organization (HIO) who is certified by the United States Department of Agriculture (USDA) and is charged with meeting all regulatory requirements. Horse show management may elect to appoint and retain DQPs to inspect horses on its behalf and to detect and diagnose sore horses. Further, APHIS provides oversight for both HIOs and DQPs to help ensure the effective identification of sored horses.

The HPA requires horse show management to disqualify a horse from being shown or exhibited if found to be sore or if management is notified by an appointed person that the horse is sore.<sup>3</sup> The HPA provides for both civil and criminal penalties for violations, including monetary penalties, disqualifications from horse events, fines, and prison sentences. Any person found to have violated the HPA resulting in a civil penalty may file an appeal within 30 days from the date of notice.

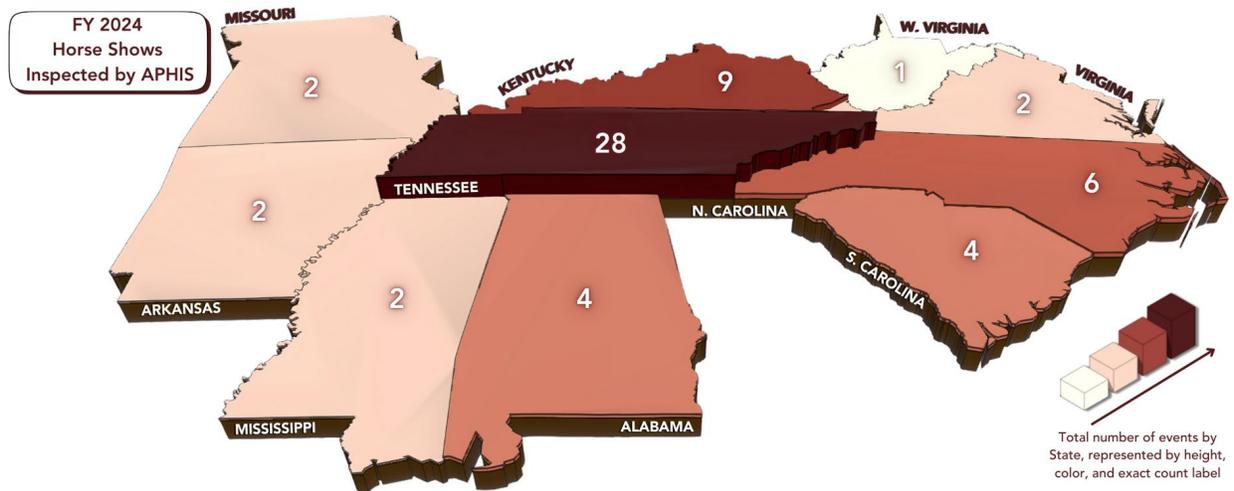
During fiscal year (FY) 2024, APHIS VMOs conducted inspections at 60 horse shows throughout the United States. See Figure 1 below.

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<sup>1</sup> Horse Protection Act of 1970, Pub. L. No. 91-540, 84 Stat. 1404 (1970).

<sup>2</sup> 9 Code of Federal Regulations, Part 11.

<sup>3</sup> Management is defined as any person(s) who organize, exercise control over or administer or are responsible for organizing, directing, or administering any horse show, horse exhibition, horse sale or horse auction. This includes the sponsoring organization and show manager.



**Figure 1: Map of the 60 Horse Shows Inspected by APHIS during FY 2024. Figure by the Office of Inspector General (OIG).**

In August 2024, OIG received a Congressional inquiry to review USDA’s policies and practices regarding implementation of the HPA and its impact on the horse show industry.<sup>4</sup> The request was received prior to APHIS’ implementation of changes to the HPA inspections set to occur on February 1, 2025.<sup>5</sup>

## Objectives

Our inspection objectives were to assess USDA’s HPA inspections and determine whether APHIS: (1) established a policy for managing and monitoring conflicts-of-interest related to HPA inspectors; (2) established an onsite appeals process for disqualifications at horse show events; (3) has a standardized process to ensure inspectors apply consistent methods during their HPA inspections at horse show events; and (4) established protocols to consistently communicate additional HPA guidance and expectations to horse show management across the horse show events.

<sup>4</sup> Comer, The Honorable James, Letter to the Honorable Phyllis K. Fong from the Chairman of the House Committee on Oversight and Accountability (Aug. 9, 2024).

<sup>5</sup> On March 20, 2025, APHIS announced the 2024 HPA Final Rule will be delayed until February 1, 2026.

## Finding 1: APHIS Did Not Establish a Conflicts-of-Interest Policy for HPA Inspectors

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Conflicts-of-interest can occur when the personal interests, relationships, or activities of a person interferes with their professional responsibilities or decision-making efforts.<sup>6</sup> We found that APHIS did not establish a formal policy to manage or monitor conflicts-of-interest for its VMOs that perform HPA inspections. APHIS officials did not explain why a formal policy was not developed; however, the agency recognizes that a standard process for all AC inspectors is necessary. Further, APHIS officials stated that inspectors must submit the AC Responsibilities and Conduct form and take USDA’s annual Ethics training; but we determined neither requirement was consistently met or enforced. As a result, APHIS had reduced assurance that its office could manage and monitor conflicts-of-interest and reduce the appearance of impropriety.

The internal control standards in the federal government requires management to establish standards of conduct to communicate expectations concerning integrity and ethical values and use ethical values to balance the needs and concerns of different stakeholders, such as regulators, employees, and the public.<sup>7</sup> Further, management must evaluate the directives, attitudes, and behaviors of individuals and teams through ongoing monitoring and separate evaluations.<sup>8</sup> Finally, the Office of Management and Budget (OMB) Circular A-123 states that a material weakness in internal control over operations might include, but not limited to, conditions that significantly weakens established safeguards against conflicts-of-interest.<sup>9</sup>

During our review, APHIS provided OIG with documentation to support the Ethics training completed by the VMOs along with the signed AC Responsibilities and Conduct form.<sup>10</sup> We found that the Ethics training covered topics, such as: *Conflicting Financial Interest, Impartiality, and Outside Employment*.<sup>11</sup> However, APHIS could not confirm that all VMOs that performed HPA inspections at horse shows in 2024 had completed the Ethics training and submitted the AC Responsibilities and Conduct form.

According to an APHIS official, the documentation obtained from APHIS’ system of record showed [REDACTED]. Moreover, the APHIS official stated it is unknown whether the agency has consistently required or enforced the completion of the AC Responsibilities and Conduct form. Based on documentation provided by APHIS officials, we determined [REDACTED].

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<sup>6</sup> This can lead to biased judgments or decisions that are not in the best interests of the organization, or actions that benefit the person at the expense of the organization.

<sup>7</sup> Government Accountability Office, *Standards for Internal Control in the Federal Government*, GAO-14-704G, ¶ 14.05 (Sept. 2014).

<sup>8</sup> Ibid.

<sup>9</sup> OMB Circular No. A-123, *Management’s Responsibility for Enterprise Risk Management and Internal Control*, Memorandum M-16-17 (July 15, 2016).

<sup>10</sup> The AC Responsibilities and Conduct form is a form signed by the VMOs to certify that they have received and read the Departmental Regulation 4070-735-0001, Employee Responsibilities and Conduct document, dated October 4, 2007.

<sup>11</sup> The Ethics training covered additional topics, such as *Use of Government Position and Gifts from Outside Sources*.

[REDACTED]<sup>12</sup> Additionally, [REDACTED] and the absence of a formal policy requiring and/or monitoring completion, APHIS’ reliance on the Ethics training and the agency’s conduct form were not effective tools to inform HPA inspectors of their responsibilities related to potential conflicts.

Overall, it is important for an entity to maintain a consistent approach to managing and monitoring conflicts-of-interest to ensure integrity, transparency and accountability in its operations. During our fieldwork, APHIS management provided evidence that they developed and disseminated professional standards to all AC inspectors. We believe APHIS’ action is a step towards establishing an effective internal control system. APHIS officials agreed that establishing a conflicts-of-interest policy and managing such policy is necessary and relevant to the oversight of its HPA operations.

## **Recommendation 1**

We recommend that APHIS establish a formal conflicts-of-interest policy that outlines the responsibilities and expectations for all VMOs that perform inspections at horse shows.

### **Agency Response**

APHIS agrees with this recommendation. On March 14, 2025, APHIS’ Animal Care program distributed a document title “Animal Care Employee Standards of Professional Behavior” to all staff. The standards include requirements and expectations for all Animal Care employees, including VMOs performing at horse shows, to abide by all USDA ethics standards. These standards include a conflict-of-interest policy.

APHIS provided a completion date of March 14, 2025.

### **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 2**

We recommend that APHIS establish a process to monitor inspectors’ completion of the requirements set forth in its formal conflicts-of-interest policy to ensure all requirements and actions are complete.

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<sup>12</sup> [REDACTED]

## **Agency Response**

APHIS agrees with this recommendation. APHIS established a requirement that all Horse Protection inspectors sign a form acknowledging they have read and understand both the USDA Directive on Employee Conduct and the Animal Care Professional Standards prior to attending and inspecting at Horse Protection events. Horse Protection supervisors include this requirement as part of their checklist for establishing that an inspector may attend events.

APHIS provided a completion date of April 18, 2025.

## **OIG Position**

We accept management decision for this recommendation.

## **Finding 2: APHIS Has Not Established an Onsite Appeal Process**

The HPA requires horse show management to disqualify a horse when an inspection determines the animal is sore at an event.<sup>13</sup> We found that APHIS does not have a process in place to allow an onsite appeal when a horse is found noncompliant with the HPA. Additionally, APHIS does not have a policy in place to provide horse custodians alternative means of dispute resolution regarding HPA inspections. According to an APHIS official, there are statutory requirements that impact the appeal process; therefore, a statutory change by Congress would be needed to add an onsite appeal process during a horse show. As a result, horse custodians do not have the ability to immediately dispute APHIS inspectors' noncompliance determinations that resulted in their horses being disqualified from competing for the remainder of that horse show.

The Administrative Dispute Resolution Act requires that each agency shall adopt a policy that addresses the use of alternative means of dispute resolution. To develop such a policy, the agency should examine alternative means of dispute resolution in connection with formal and informal adjudications, rulemakings, and enforcement actions.<sup>14</sup>

An APHIS official informed OIG that the decision to forgo an onsite appeal process was formally discussed in the preamble to the 2024 HPA Final Rule.<sup>15</sup> The official stated that APHIS provides an imminent opportunity to appeal a disqualification resulting from an inspection by allowing for reexamination under certain criteria. However, APHIS considers this process a second inspection which is only granted if the APHIS Show Veterinarian determines that sufficient cause for reexamination exists.<sup>16 17</sup>

The APHIS official further stated that comments from the 2024 HPA Final Rule were consistent with APHIS' internal deliberations that having an onsite appeal process would not be possible to adjudicate in the limited timeframe between examining a horse and competition because of the HPA's prohibition on allowing sore horses to compete. APHIS was concerned that increasing the time between an inspection and a horse show to provide for an appeal process would provide greater opportunity to sore a "cleared" horse—a horse that was previously deemed compliant.

In the 2024 HPA Final Rule, the agency stated that a significant change in show and exhibition practices, and possible restructuring of the horse show industry itself, would be required to allow for pre-show inspections far enough in advance of the exhibition or horse show to allow for an opportunity to be heard before the event. It would also entail deploying more inspectors to horse

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<sup>13</sup> Horse Protection Act of 1970, Pub. L. No. 91-540, 84 Stat. 1404 (1970).

<sup>14</sup> Administrative Dispute Resolution Act, Pub. L. No. 101-552, 104 Stat. 2736 (1990).

<sup>15</sup> Horse Protection Amendments, 89 Fed. Reg. 39,194 (May 8, 2024).

<sup>16</sup> APHIS Show Veterinarian is responsible for the immediate supervision and conduct of USDA's activities under HPA at any horse show, horse exhibition, horse sale or horse auction.

<sup>17</sup> APHIS has determined sufficient cause to include instances where the VMO did not follow prescribed protocols such as: touching the pastern during prohibited substance collection; not using a flat surface when measuring heel/toe; not lifting a leg for action device inspection; not wiping the action device when weighing; or the horse only elicited one response during palpation. Sufficient cause also includes where the VMO did not inform the custodian of their inspection findings.

shows and developing monitoring protocols to ensure horses are not sores following an inspection.

While APHIS officials have stated that sore horses are not allowed to compete under HPA<sup>18</sup> and that an onsite appeal process would require statutory change by Congress, APHIS acknowledged that an onsite process or another form of recourse action is necessary to provide a mechanism for horse custodians to remedy decisions made by APHIS' determinations. Without a formal process in place, horse custodians lose the ability to compete and may incur financial losses.

### **Recommendation 3**

We recommend that APHIS conduct and document an assessment to determine the feasibility of implementing an alternative dispute resolution process for noncompliance determinations made during HPA horse shows.

#### **Agency Response**

APHIS agrees with this recommendation. APHIS' AC program is discussing options internally and will work with USDA's Office of General Counsel to conduct an assessment on the feasibility of implementing an alternative dispute resolution process for noncompliance determinations made during HPA horse shows and will document the findings of this assessment.

APHIS provided an estimated completion date of September 30, 2025.

#### **OIG Position**

We accept management decision for this recommendation.

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<sup>18</sup> Horse Protection Act of 1970, Pub. L. No. 91-540, 84 Stat. 1404 (1970).

### **Finding 3: APHIS Established a Standardized Process for Inspections at Horse Shows**

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We determined that APHIS, through various standard operating procedures (SOP), has documented a prescriptive approach to conduct consistent HPA inspections. However, [REDACTED] we selected for review, we found [REDACTED] some procedures were not followed. [REDACTED] does not change our conclusion that APHIS established standardized processes and procedures to facilitate consistent inspections. However, our observation warrants disclosure in this report with a recommended action for APHIS.

APHIS requires inspectors to follow specific guidance, procedures, and processes for anyone associated with the HPA inspection process. Specifically, the SOPs describe procedures and requirements for assessing and documenting inflammation, assessing for prohibited substances, and assessing equipment and action devices, assessing for scar rule compliance, conducting pre-show and post-show inspections, documenting and reporting the inspection results, and so forth.<sup>19</sup> Collectively, these SOPs document the inspection process.

To confirm that APHIS' inspection process was followed by inspectors, we performed a limited review of [REDACTED] horse show inspections performed in 2024. [REDACTED]

[REDACTED]

We acknowledge that HPA inspections require professional judgment, but they should always be performed with adherence to established processes. While APHIS' guidance and procedures are prescriptive, [REDACTED] APHIS could benefit from updating its guidance related to [REDACTED]

[REDACTED] Updated guidance could provide better transparency to [REDACTED]

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<sup>19</sup> Action Device means any boot, collar, chain, roller, or other device which encircles or is placed upon the lower extremity of the leg of a horse in such a manner that it can either rotate around the leg, or slide up and down the leg so as to cause friction, or which can strike the hoof, coronet band or fetlock joint.

the horse show industry on what items count as soring and provide better support for inspectors to justify their findings.

#### **Recommendation 4**

We recommend that APHIS review relevant inspection processes to determine whether guidance related to [REDACTED] and update its processes, as appropriate. This includes ensuring that all inspection video footage is complete, accurate, and maintained within the agency's system of record.

#### **Agency Response**

APHIS agrees with this recommendation. APHIS will review current guidance related to [REDACTED] and update the guidance for thoroughness. APHIS will develop and implement training specific to this topic and implement an inspection process to ensure VMOs adhere to this guidance.

APHIS provided an estimated completion date of August 31, 2025.

#### **OIG Position**

We accept management decision for this recommendation.

## **Finding 4: APHIS Established Protocols to Consistently Communicate HPA Guidance and Expectations**

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We determined that APHIS established protocols to consistently communicate HPA guidance and expectations to horse show management. For the 2024 horse show season, APHIS communicated HPA guidance and announcements to the HIO point-of-contacts (POCs) who were responsible for disseminating all correspondence to the horse show management. While we acknowledge that APHIS established a process, we found that the timing of the communication during the 2024 horse show season was not optimal and potentially presented an adverse effect at a horse show. For example, on March 15, 2024, APHIS issued an email to the HIO POCs that outlined policy updates; however, such correspondence was sent after the horse show season commenced.<sup>20</sup>

According to the internal control standards in the Federal Government, management should communicate to external parties using established reporting lines. Management should also periodically evaluate its methods of communication so that the organization has the appropriate tools to communicate quality information outside of the entity on a timely basis.<sup>21 22</sup>

OIG obtained the only correspondence, an email, communicated to the horse industry during our scope period. In addition to other items, the following policy updates were shared in that email: (1) USDA will discontinue referring any horses to the DQPs for inspection; (2) USDA will no longer require hair loss associated with noncompliant tissue as a means to disqualify a horse; and (3) effective immediately—any and all prior information, guidance, policy, criteria, etc., regarding APHIS oversight and enforcement of HIO and DQP responsibilities under the HPA are no longer applicable.

OIG met with APHIS officials to obtain their feedback and intent based on the policy updates outlined in the email. However, we were not able to obtain an official response regarding the policy updates. An agency official stated that the contents of the email were currently under litigation and would not be appropriate to discuss. We also met with horse show management to discuss the impact of the updates. A horse show management official indicated that the timing of the guidance was problematic because an event had already started. For example, the management official stated that the policy change that no longer required evidence of hair loss to be considered sore was a key factor in how a horse was inspected, and a horse may have been compliant at the start of the show but no longer compliant for the rest of the show based on the changes outlined in the email.

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<sup>20</sup> The horse show season operated between March 2024 through November 2024.

<sup>21</sup> Government Accountability Office, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Sept. 2014).

<sup>22</sup> Quality information is defined as information from relevant and reliable data that is appropriate, current, complete, accurate, accessible, and provided on a timely basis.

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Without adequate notification of HPA inspection criteria changes, APHIS is potentially limiting the horse industry's ability to implement changes, seek clarification on unclear guidance, and provide feedback to ensure timely compliance with HPA requirements.

## **Recommendation 5**

We recommend that APHIS develop a process to ensure HPA policy guidance and expectations are communicated to the horse show industry in advance of their implementation date and the start of the horse show season.

### **Agency Response**

APHIS agrees with this recommendation. The horse show season begins as early as February each year, so APHIS will create a standard operating procedure for distributing the annual update by February 1 of each year. For the 2025 horse show season, APHIS distributed its stakeholder update on March 14, 2025, at least six weeks prior to APHIS attending any events.

APHIS provided an estimated completion date of August 31, 2025.

### **OIG Position**

We accept management decision for this recommendation.

## Scope and Methodology

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We conducted an inspection of the U.S. Department of Agriculture’s Horse Protection Act inspections to determine whether APHIS: (1) established a policy for managing and monitoring conflicts-of-interest related to HPA inspectors; (2) established an onsite appeals process for disqualifications at horse shows; (3) has a standardized process to ensure inspectors apply consistent methods during their inspections at horse shows; and (4) established protocols to consistently communicate additional HPA guidance and expectations to horse show management across the horse shows. The scope of our inspection included a review of HPA inspection processes and activities for FY 2024.

We conducted our fieldwork from December 2024 through April 2025. We discussed the results of our inspection with APHIS officials on April 11, 2025, and included their responses, as appropriate.

To accomplish our inspection objectives, we:

- Reviewed applicable laws, regulations, guidance and internal policies and procedures to gain an understanding of HPA requirements and inspection protocols.
- Interviewed APHIS officials responsible for conducting HPA inspections and oversight to identify APHIS’ policies related to performing HPA inspections, conflicts-of-interest, onsite appeals, and communication protocols with horse show management.
- Interviewed select horse show management personnel to determine their understanding of APHIS’ HPA inspection process and APHIS’ communication protocols to convey HPA policies, procedures, and inspection guidance.
- Analyzed [REDACTED] HPA inspections performed by APHIS inspectors to assess whether inspectors consistently applied the SOPs for conducting inspections at horse shows. [REDACTED]
- Assessed APHIS protocols and processes to communicate HPA guidance and expectations to horse show management during the horse show season.

We conducted this inspection in accordance with the Council of the Inspectors General on Integrity and Efficiency’s *Quality Standards for Inspection and Evaluation*.<sup>23</sup> These standards require that we obtain sufficient and appropriate evidence to meet our inspection objectives, support our findings, and provide a reasonable basis for our conclusions. We believe that the evidence obtained provides a reasonable basis for our conclusions.

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<sup>23</sup> Council of the Inspectors General on Integrity and Efficiency, *Quality Standards for Inspection and Evaluation* (Dec. 2020).

## Abbreviations

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AC	Animal Care
APHIS	Animal and Plant Health Inspection Service
DQP	Designated Qualified Person
FY	fiscal year
HIO	Horse Industry Organization
HPA	Horse Protection Act
OIG	Office of Inspector General
OMB	Office of Management and Budget
POC	point-of-contact
SOP	standard operating procedure
USDA	U.S. Department of Agriculture
VMO	Veterinary Medical Officers

## Exhibit A: Inconsistencies OIG Identified from its Review [REDACTED]

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We found the following inconsistencies with [REDACTED] we selected for review.

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

**Animal and Plant Health Inspection Service's  
Response to the Inspection Report**



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Washington, DC  
20250

**TO:** Dedra Chandler  
Director, Work Unit 22  
Office of Inspector General

**FROM:** Michael T. Watson, Ph.D. /S/  
Administrator  
Animal and Plant Health Inspection Service

**SUBJECT:** APHIS Response and Request for Management Decisions on OIG Report, Animal and Plant Health Inspection Service's Horse Protection Act Inspection and Disqualification Processes at Horse Show Events (33801-0001-22)

Thank you for the opportunity for the Animal and Plant Health Inspection Service (APHIS) to provide comments on this report. APHIS agrees with OIG recommendations (#1 through #5) and will initiate the steps outlined below to implement the necessary program changes.

**Audit Objectives:**

To assess USDA's Horse Protection Act (HPA) inspections and determine whether APHIS:

- Established a policy for managing and monitoring conflicts-of-interest related to HPA inspectors.
- Established an onsite appeals process for disqualifications at horse show events.
- Has a standardized process to ensure inspectors apply consistent methods during their HPA inspections at horse show events.
- Established protocols to consistently communicate additional HPA guidance and expectations to horse show management across the horse show events.

**Finding 1: APHIS Did Not Establish a Conflicts-of-Interest Policy for HPA Inspectors**

OIG determined that

[REDACTED] Additionally, [REDACTED] and the absence of a formal policy requiring or monitoring completion, APHIS' reliance on the Ethics training and the agency's conduct form were not effective tools to inform HPA inspectors of their responsibilities related to potential conflicts.

**Recommendation 1:** OIG recommends that APHIS establish a formal conflicts-of-interest policy that outlines the responsibilities and expectations for all VMOs that perform inspections at horse shows.

**APHIS Response:** APHIS agrees with this recommendation.

**Corrective Actions:** On March 14, 2025, APHIS' Animal Care program distributed a document titled "Animal Care Employee Standards of Professional Behavior" to all staff. The standards include requirements and expectations for all Animal Care employees, including VMOs performing inspections at horse shows, to abide by all USDA ethics standards. These standards include a conflict-of-interest policy.

**Estimated Completion Date:** Completed March 14, 2025

**Recommendation 2:** OIG recommends that APHIS establish a process to monitor inspectors' completion of the requirements set forth in its formal conflicts-of-interest policy to ensure all requirements and actions are complete.

**APHIS Response:** APHIS agrees with this recommendation.

**Corrective Actions:** APHIS has established a requirement that all Horse Protection inspectors sign a form acknowledging they have read and understand both the USDA Directive on Employee Conduct and the Animal Care Professional Standards prior to attending and inspecting at Horse Protection events. Horse Protection supervisors include this requirement as part of their checklist for establishing that an inspector may attend events.

**Estimated Completion Date:** Completed April 18, 2025

## **Finding 2: APHIS Has Not Established an Onsite Appeal**

The HPA requires horse show management to disqualify a horse when an inspection determines the animal is sore at an event. OIG found that APHIS does not have a process in place to allow an onsite appeal when a horse is found noncompliant with the HPA. Additionally, APHIS does not have a policy in place to provide horse custodians with alternative means of dispute resolution regarding HPA inspections. According to an APHIS official, there are statutory requirements that impact the appeal process; therefore, a statutory change by Congress would be needed to add an onsite appeal process during a horse show. As a result, horse custodians do not have the ability to immediately dispute APHIS inspectors' noncompliance determinations that result in their horses being disqualified from competing for the remainder of that horse show.

**Recommendation 3:** OIG recommends APHIS conduct and document an assessment to determine the feasibility of implementing an alternative dispute resolution process for noncompliance determinations made during HPA inspections at horse shows.

**APHIS Response:** APHIS agrees with this recommendation.

**Corrective Actions:** APHIS' Animal Care program is discussing options internally and will work with USDA's Office of General Counsel to conduct an assessment on the feasibility of implementing an alternative dispute resolution process for noncompliance determinations made during HPA horse shows and will document the findings of this assessment.

**Estimated Completion Date:** September 30, 2025

**Finding 3: APHIS Established a Standardized Process for Inspections at Horse Shows**

OIG determined APHIS, through various standard operating procedures (SOP), has documented a prescriptive approach to conduct consistent HPA inspections. However, [REDACTED] [REDACTED] OIG selected for review, OIG found [REDACTED] some procedures were not followed. [REDACTED] does not change our conclusion that APHIS established standardized processes and procedures to facilitate consistent inspections. However, our observation warrants disclosure in this report with a recommended action for APHIS

**Recommendation 4:** OIG recommends APHIS review relevant inspection processes to determine whether guidance related to [REDACTED], and update its processes, as appropriate. This includes ensuring that all inspection video footage is complete, accurate, and maintained within the agency's system of record.

**APHIS Response:** APHIS agrees with this recommendation.

**Corrective Actions:** APHIS will review current guidance related to [REDACTED] and update the guidance for thoroughness. APHIS will develop and implement training specific to this topic and implement an inspection process to ensure VMOs adhere to this guidance.

**Estimated Completion Date:** August 31, 2025

**Finding 4: APHIS Established Protocols to Consistently Communicate HPA Guidance and Expectations**

OIG determined that APHIS established protocols to consistently communicate HPA guidance and expectations to horse show management. For the 2024 horse show season, APHIS communicated HPA guidance and announcements to the Horse Industry Organizations' (HIO) points-of-contacts (POCs) who were responsible for disseminating all correspondence to horse show management. While OIG acknowledges APHIS established a process, OIG found that the timing of the communication during the 2024 horse show season was not optimal and potentially presented an adverse effect at a horse show. For example, on March 15, 2024, APHIS issued an email to the HIO POCs that outlined policy updates; however, such correspondence was sent after the horse show season commenced.

***Recommendation 5:*** OIG recommends APHIS develop a process to ensure HPA policy guidance and expectations are communicated to the horse show industry in advance of their implementation date and the start of the horse show season.

**APHIS Response:** APHIS agrees with this recommendation.

**Corrective Actions:** The horse show season begins as early as February each year, so APHIS will create a standard operating procedure for distributing the annual update by February 1 of each year. For the 2025 horse show season, APHIS distributed its stakeholder update on March 14, 2025, at least six weeks prior to APHIS attending any events.

**Estimated Completion Date:** August 31, 2025

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