

TWHBEA RESPONSE TO USDA'S PROPOSED MANDATORY PENALTIES

The Tennessee Walking Horse Breeders and Exhibitors Association opposes the imposition of what USDA-APHIS is calling "Mandatory Penalties" for the following principal reasons:

1. Penalties are already mandated by the act and its regulations; however, this round of regulations is USDA's effort to impose on HIOs its own enhanced penalties, as a condition to continued certification. This it cannot do; USDA exceeds its authority in so doing and should decertification result, a massive failure in the voluntary and cooperative inspection program will be inevitable. By proposing that which HIOs cannot possibly consent to, USDA is effectively poisoning the voluntary program with which it has been instructed by the House Appropriations Committee to cooperate.
2. USDA has a unique opportunity to work with the overwhelming majority of industry stakeholders who want and need its effective help. Rather than a "litigate, not negotiate" attitude, it can follow Congress' directive within hours by showing this attitude. TWHBEA has proposed and continues to suggest that USDA work with industry stakeholders on studies which aid uniform palpation techniques and uniformity and compliance in so-called "scar rule" interpretation.
3. USDA's enforcement and attitude continues through this show season to change, from show to show, and with the personalities of the VMOs and other officials. A rigid and draconian penalty system, which effectively puts massive numbers of stakeholders out of business, cannot effectively work when the inspections are so flawed.