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OSC Welcomes Agency Change in Cattle Tick Preventive Treatment After Border Patrol Horses Fall Ill, Thanks Whistleblower for Disclosing the Problem

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./Feb. 27, 2018 – The U.S. Office of Special Counsel (OSC) today welcomed a change in cattle tick preventive treatment for U.S. Customs and Border Patrol (CBP) horses after a whistleblower disclosed horse illness linked to a prior treatment. The change came after several horses used to patrol the U.S.-Mexican border in western Texas fell ill, and 71 horses tested highly toxic for a chemical used in a preventive cattle tick spray.

The whistleblower, who manages the CBP Horse Patrol Program, raised concerns to OSC that the cattle tick treatment protocol from the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) was causing the horse sickness. The whistleblower worked with several veterinarians to identify the cause of the sick horses' symptoms. He eventually received from a private veterinarian a conclusive diagnosis of poisoning from the tick spray.

The USDA, which investigated the allegations at OSC's request, concluded that due to substantial technical and scientific disagreement about whether exposure to the treatment caused the horses to suffer illness, the evidence was insufficient to find that personnel engaged in gross misconduct in applying the chemical sprays. The agency investigative report did find that USDA personnel were not fully cooperative and forthcoming with CBP personnel. Also, the report found that USDA personnel did not direct CBP personnel to take proper precautionary measures when handling horses treated with the chemical spray, though neither USDA nor CBP personnel were found to have suffered any ill effects from the exposure.

Nonetheless, in response to the investigation's findings, USDA implemented several corrective actions. On Jan. 18, 2018, the agency confirmed to OSC that until further notice, the USDA will use a less potent alternative chemical solution to treat CBP horses exposed to cattle ticks. Among other changes, USDA established requirements for all personnel present during any spraying or application of chemicals on CBP horses, including the development of explicit safe chemical-handling standard operating procedures and the use of personal protective equipment when treating the horses with chemical spray.

"This whistleblower deserves praise for working to protect the health and safety of horses and their handlers performing government duties," Special Counsel Henry J. Kerner said. "I also commend Secretary Perdue's prompt and thorough response to the matter and his recognition that agencies must work together to protect public safety."

Kerner conveyed OSC's conclusions in a [letter](#) to President Trump and also sent the agency report to the chairman and ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry

and the chairman and ranking member of the House Committee on Agriculture. The letter and the redacted agency [report](#) are available in OSC's public file, available at www.osc.gov.
