

# Protecting the Future of Horse Sport: How Legal Strategies Support the Equine Industry's Social License to Operate

*By Mary Westman, Esq.*

## Introduction

The horse industry has always balanced a deep respect for tradition with the realities of modern society. Owners, trainers, and riders often describe their work with horses as more than just a livelihood — it is a way of life rooted in passion, skill, and centuries of practice. Yet in today's world, our industry faces an increasing challenge that is less tangible than a new regulation but every bit as powerful: the social license to operate.

Social license to operate (often shortened to SLO) refers to the public's acceptance of an industry's practices.<sup>1</sup> It is not a law written into a statute book, but its influence can be felt in every corner of equine sport and business. When public trust erodes, pressure mounts on regulators, sponsors, and communities to step in. This has already happened in other sectors, and the horse industry is not immune.<sup>2</sup>

What does this mean for the professional horseman or horsewoman? It means that how the public views horse welfare, safety, and ethics is increasingly tied to the future of equine sport and business. And while public perception is not strictly a legal matter, the law is one of the most effective tools we have to maintain, strengthen, and demonstrate our industry's commitment to responsible practices.

This article explores the intersection of social license and equine law: how public trust becomes a legal issue, what risks horse owners and trainers face if they ignore it, and how legal strategies can help safeguard both individual businesses and the industry as a whole.

## Part I: Understanding Social License to Operate in the Equine Industry

### *What is Social License to Operate?*

The concept of social license originated in industries like mining, forestry, and energy, where community acceptance could make or break a project.<sup>3</sup> A company might have all the necessary permits, but if the public opposed its operations, the project could stall,

attract litigation, or lose investors. In short, a social license was just as important as a legal license.

In the equine industry, social license plays out differently but no less powerfully. The “community” in this case is the general public, animal welfare organizations, sponsors, and even fans of horse sport. Their acceptance — or lack of it — shapes the environment in which horse businesses operate.<sup>4</sup>

### *How SLO Affects the Horse World*

Equine disciplines have already faced scrutiny in areas such as:

- Whip use in racing: Public concern has led to stricter rules on how and when whips can be used.<sup>5</sup>
- Carriage horses in cities: Activists have challenged whether urban carriage operations align with modern welfare expectations.<sup>6</sup>
- Eventing and jumping safety: High-profile accidents have prompted calls for improved safety equipment and competition standards.<sup>7</sup>
- Social media exposure: A single video of questionable handling can go viral and spark widespread criticism.<sup>8</sup>

Each of these examples demonstrates that even if an equestrian practice is legal, it may still be vulnerable to public opinion. When public trust falters, regulations often follow, and entire disciplines can come under threat.

## **Part II: The Legal Dimensions of Social License**

### *From Public Sentiment to Regulation*

History shows a clear pattern: when the public raises concerns, lawmakers eventually respond. For example:

- Anti-soring laws in the Tennessee Walking Horse industry grew out of public outrage at abusive practices.<sup>9</sup>
- State and municipal bans on greyhound racing were driven largely by welfare campaigns.<sup>10</sup>

- Equestrian sports now face proposals for stricter welfare oversight, particularly in Europe, that could ripple globally.<sup>11</sup>

Even without new laws, public scrutiny affects how existing laws are enforced. Prosecutors and regulators are more likely to act when they sense public backing.<sup>12</sup>

### *Liability and Risk Management*

Social license also intersects with private legal relationships. Consider:

- **Contracts and Waivers:** If your liability release appears to condone risky or outdated practices, it may be harder to enforce in court. Judges and juries are influenced by prevailing public attitudes toward safety and welfare.<sup>13</sup>
- **Boarding and Training Agreements:** Clauses that ignore or downplay welfare concerns may open the door to disputes or claims of negligence.<sup>14</sup>
- **Employment Practices:** Publicized disputes over barn staff treatment can damage not just reputation but also legal standing under labor laws.<sup>15</sup>

In short, even if a practice is technically legal, being out of step with social expectations can weaken your legal defenses.

## **Part III: How Equine Law Practice Supports Industry Sustainability**

### *Contracts and Waivers*

A strong contract is more than a formality; it is a statement of your standards. In the current climate, contracts that reflect responsible, welfare-oriented practices do double duty:

1. They protect you legally.
2. They signal to clients and the public that you are aligned with best practices.<sup>16</sup>

### *Boarding, Training, and Breeding Agreements*

These core documents shape the relationships that sustain the horse industry. When they are poorly drafted or outdated, they invite disputes. When they are carefully written, they not only prevent conflicts but also reassure clients and regulators that your operation is professional and ethical.<sup>17</sup>

### *Employment Law in Barns*

The horse industry often relies on informal employment arrangements, but these are increasingly risky. Wage disputes, workplace injuries, and immigration compliance are areas where public scrutiny can quickly turn legal.<sup>18</sup>

### *Regulatory Compliance*

Animal welfare laws, zoning ordinances, and equine activity statutes vary widely across states.<sup>19</sup> Staying compliant is not always straightforward, but non-compliance can have consequences far beyond fines. Publicized violations can fuel calls for broader regulation and harm the industry's credibility.<sup>20</sup>

### *Dispute Resolution*

Conflicts are inevitable in any industry, but in equine sport, disputes often attract unwanted attention. Mediation and arbitration offer private, efficient ways to resolve issues before they escalate into public controversies.<sup>21</sup>

## **Part IV: Building Trust Through Legal and Ethical Alignment**

The horse industry thrives when the public trusts that horses are treated with respect, care, and fairness. Legal frameworks play a vital role in earning and keeping that trust.<sup>22</sup> They provide transparency, accountability, and clear standards.

When horse owners and trainers adopt strong contracts, comply with regulations, and resolve disputes responsibly, they are not only protecting themselves — they are demonstrating to the public that the industry takes welfare and ethics seriously. In this way, law becomes both a shield against liability and a signal of responsibility.

### **Conclusion and Call to Action**

The equine industry's future depends on more than skill in the saddle or success in the show ring. It depends on the industry's ability to earn and maintain the public's trust — its social license to operate.

Horse owners and trainers are on the front lines of this challenge. Every decision, from facility management to competition practices, shapes how the industry is perceived. Legal strategies are a critical part of the solution. Well-drafted contracts, compliance with welfare regulations, fair employment practices, and effective dispute resolution all contribute to an industry that is not only legally sound but also socially sustainable.

Now is the time for horse professionals to take a fresh look at their agreements, policies, and practices. Doing so is not just about reducing liability — it is about protecting the future of horse sport and business.

If you are revisiting your contracts or considering how public expectations affect your operation, Stable & Farm Legal can help you align your business with both legal requirements and the evolving standards of our industry. Together, we can preserve the trust that keeps horse sport alive and thriving.

***This article is intended to be used for educational purposes only and does not constitute legal advice.***

### **About the Author**

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### **Footnotes**

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19. National Agricultural Law Center, "50-State Compilation of Equine Activity Liability Statutes," 2023.
20. American Association of Equine Practitioners (AAEP), "Welfare Guidelines," 2022.
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22. Morrison, *The Social License*, 2014.

## Recommended Reading on Social License and the Equine Industry

- Prno, Jim, and Scott Slocombe. “Exploring the Origins of ‘Social License to Operate’ in the Mining Sector.” *Resources Policy* (2012). — Classic article that explains where the concept came from.
- Morrison, John. *The Social License: How to Keep Your Organization Legitimate*. Palgrave Macmillan, 2014. — Accessible book on how industries earn and lose public trust.
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- National Geographic. “Carriage Horses and the Fight for Their Future,” by David Grimm. 2018. — A look at the debate around urban carriage horses.
- Horse & Hound. “Eventing’s Safety Challenge,” by Pippa Cuckson. 2020. — Discussion of risk and safety in high-level competition.
- U.S. Department of Agriculture. “Horse Protection Act Enforcement.” — Federal stance on soring and welfare violations.
- American Association of Equine Practitioners (AAEP). “Welfare Guidelines.” 2022. — Industry guidelines that influence both law and public trust.
- National Agricultural Law Center. “50-State Compilation of Equine Activity Liability Statutes.” 2023. — A practical legal resource for understanding liability protection.