

**BREEDING, DRUGS, AND BREAKDOWNS: THE
STATE OF THOROUGHBRED HORSERACING
AND THE WELFARE OF THE THOROUGHBRED
RACEHORSE**

HEARING

BEFORE THE

SUBCOMMITTEE ON COMMERCE, TRADE,
AND CONSUMER PROTECTION

OF THE

COMMITTEE ON ENERGY AND
COMMERCE

HOUSE OF REPRESENTATIVES

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¹ Mr. Rush did not submit a prepared statement.

² Mr. Moss did not answer submitted questions for the record.

³ Mr. Jackson did not answer submitted questions for the record.

⁴ Mr. Waldrop did not answer submitted questions for the record.

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THURSDAY, JUNE 19, 2008

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE, TRADE,
AND CONSUMER PROTECTION,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:05 a.m., in room 2322, Rayburn House Office Building, Hon. Jan Schakowsky presiding.

Present: Representatives Schakowsky, Barrow, Hill, Whitfield, Stearns, Pitts, Terry, and Burgess.

Staff Present: Christian Fjeld, Consuela Washington, Valerie Baron, James Robertson, Brian McCullough, Shannon Weinberg, Will Carty, and Chad Grant.

Ms. SCHAKOWSKY. The Subcommittee of the Commerce, Trade and Consumer Protection Subcommittee will begin and come to order.

I want to begin my opening statement once again acknowledging our subcommittee Chairman, my friend and colleague Bobby Rush, who continues to recuperate in Chicago. We all look forward to his swift return to Washington. At this time I would like to ask unanimous consent to insert Chairman Rush's statement into the record. Without objection, so ordered.

[The prepared statement of Chairman Rush was unavailable at the time of printing.]

OPENING STATEMENT OF HON. JAN SCHAKOWSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Ms. SCHAKOWSKY. I will now recognize myself for 5 minutes for the purpose of an opening statement.

The death of Eight Belles on the track of the Kentucky Derby 2 months ago was a symptom of a host of problems that plague thoroughbred racing. The best racehorses in the sport are bred for speed because they make their money in the breeding shed instead of on the racetrack. Catastrophic breakdowns of thoroughbred horses are becoming more common as they become increasingly fragile over the years. Horses are doped up on performance-enhancing drugs such as cocaine, caffeine, and anabolic steroids to make them as fast as possible.

Whether horses are sturdy enough to withstand the rigors of racing, it is really an afterthought, and almost no one pays attention to what their lives are like after they retire. As the horses falter, more and more jockeys face serious injuries and paralysis, and with no central regulatory body overseeing the sport, there are almost no real restrictions on any of these practices.

It seems that greed has trumped the health of horses, the safety of the jockey, and the integrity of the sport. Although breakdowns have always been a part of this sport, long-term racing commentators and horsemen assert that the thoroughbred horse as a breed is becoming weaker. This may be because commercial breeding focuses on creating faster horses at an earlier age with little regard to the consequences of their practices.

Take a look at the pedigree of the late Eight Belles, for example. Many observers say—is the chart up? It is not on the monitor. OK. Many observers say that Eight Belles was a genetic disaster waiting to happen. If you look at the chart, you can see her bloodlines were too inbred. Her great-great-grandfather four generations back on her father's side, Mr. Prospector, was also her great-grandfather on her mother's side three generations back. This is known as a three-by-four inbred. And Mr. Prospector, his father, Raise a Native, and his father, Native Dancer, all had something in common. Mr. Prospector was a brilliant racehorse, but he was also very unsound. He was retired due to chronic ankle injuries; raced only four times and won all four races, but then broke down. Native Dancer, another fast racehorse that was retired due to chronic inflammation in his ankles. Eight Belles came from a brilliant but fragile bloodline. All of those sires had problems in their ankles. And if this weren't enough to raise alarm, her father, Unbridled Song, highlighted up on this board, was another fast racehorse who showed brilliance later on, but who was permanently retired because of, yes, a fracture in his front ankle.

To professional breeders her pedigree should have raised alarms, but they proceeded anyway, and many would argue that millions of people saw the horrible consequence of their choice live on national television.

Also disturbing is how these animals are abused while they are in their prime. Horses are commonly injected with so many performance-enhancing drugs and other medications that it has become almost impossible to tell what their natural condition is. Many racehorses are regularly injected with painkillers which allow them to run injured by masking the pain in his or her legs and joints. According to data submitted to the committee by the Racing Commissioners International, there were nearly 1,900 drug violations in horseracing in the last 5 years. But whether or not this data is accurate is questionable given the absence of reporting requirements throughout the industry.

What is going on here? What is happening to the Sport of Kings? Unlike every other professional and amateur sport, horseracing lacks a central regulatory authority or league that can promulgate uniform rules and regulations. While baseball and football now impose strict rules that severely penalize players for steroid and performance-enhancing drugs, horseracing remains a confusing patchwork of different regulations from State to State.

One of the central questions that the subcommittee wants to explore is, does horseracing need a central governing authority? Is the racing industry truly capable of making reforms on its own under the current regulatory framework?

There are those who believe that Congress should not be involved in horseracing; however, Congress is already involved. The Interstate Horseracing Act, which is under this subcommittee's jurisdiction, allows racetracks a unique status under Federal law. Unlike any other gambling operation in America, they are allowed to transmit their racing product across State lines and receive wagers from bettors out of State.

It is because Congress allows horseracing this benefit that 90 percent of the \$15.4 billion wagered on horseracing is from simulcast betting. As such, I ask all witnesses and all of the industry stakeholders to work with us, work with us to clean up your sport, work with us to save thoroughbred racehorses from destruction on the track. I say that, by the way, as a former owner of a thoroughbred who did perform on the track. Work with us to protect jockeys that ride them, work with us to create uniform tough standards that apply to every State, work with us to restore horseracing back to its perch as one of the America's most popular spectacles so that it can truly live up to its nickname as the Sport of Kings.

I want to welcome all of our witnesses. I know they are the stars of the industry and commentators on the industry, and look forward to hearing each of your testimony.

Ms. SCHAKOWSKY. I will now recognize the Ranking Member Mr. Whitfield for 5 minutes to make an opening statement.

OPENING STATEMENT OF HON. ED WHITFIELD, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF KENTUCKY

Mr. WHITFIELD. Chairwoman Schakowsky, thank you very much for holding this important hearing. And I, like you, would certainly want to welcome our witnesses today on both panels, all of whom, I believe, have the best interest of this industry at heart. And we look forward to your testimony and what you have to say and what suggestions you might make to us about this important industry.

This industry is vitally important to our country, not only economically, over a \$40 billion-a-year effect on our economy. Many people obtain a lot of recreation by attending races around the country. And then we know racing is an important and cherished part of this Nation's history. But I do believe that horseracing is at a crossroads today, and I would like to reiterate what the Chairwoman said, that—and I agree with her—greed has trumped the health of the horse, the safety of the jockey, the strength of the breed, and the integrity of the sport.

Now, why do I say that? I think there are three primary problems in this industry today. First of all, our horses race on drug-induced ability more than natural ability, and therefore, when we select winners for breeding, we are not necessarily selecting the best horse from a soundness standpoint. I read an article recently, and the author said that the question used to be who had the best horse, but many people today say, who has the best veterinarian?

I don't think that that is good for this industry in the long term, and it certainly has had an impact in many different ways.

A second problem area, in my view, is a lack of transparency regarding deaths on the track, regarding injuries on the track, and the ramifications that has for safety issues, particularly for the jockeys. I remember a couple of years ago we had a hearing, and Gary Birzer, a jockey, was injured up at either Charlestown or Mountaineer. He is a quadriplegic today. He had no insurance because the Jockey's Guild let him down, and his rehabilitation and his family—basically his medical needs are being met by Medicaid, a taxpayer program.

And then I might also say that I read an AP article that said over the last 5 years there have been 5,000 deaths on the track, but that did not include all of the States, it only included 29. It did not include all of the tracks in Florida, only one. Then I read another article that said there had been 3,035 deaths over 5 years.

The fact is we don't really know the answer to that because there is not a uniform tracking system in this industry. We know how many starts there are, but we asked the Jockey Club how many horses finished, how many horses were euthanized, how many horses were scratched, and they didn't know the answer to that. And we know that a horse named Runaway Sue up in Charlestown about 4 weeks ago was killed in the starting gate, but the official designation of what happened to that horse was that she was scratched. So I do agree with Dr. Rick Arthur, the California medical director, when he said nobody knows truly how big a problem this because the data is simply not there.

A third issue in this industry is the lack of a central authority or an entity that has the regulatory power and authority to make decisions and to enforce rules and regulations. As has already been stated, there are 38 different racing jurisdictions, and there is not any one entity that can enforce those regulations. So that is a real problem.

Now, I know people that have been critical and they said the Federal Government has no part in this industry, but we know that the industry came to Congress back in 1977–1978 and asked that Congress pass the Interstate Horseracing Act to allow simulcasting that today provides 90 percent of the revenue of the \$15 billion that is wagered each year. And then they came back in 2006 and asked Congress to amend it to address some concerns with the Wire Act because of the problems with the Department of Justice. And yet when Congress looks at the Horseracing Act as a vehicle to improve the sport, they all run away and say, no, the Federal Government does not need to be involved. But I would submit that if the Federal Government provides the revenue, the vehicle for the revenue, simulcasting, we have a responsibility to set minimum standards to ensure the safety of those participants, to ensure the integrity of the breed and the sport, and to ensure that we have a uniform medical rule around the country.

So I look forward to the testimony of the witnesses today. And thank you again, Chairwoman Schakowsky, for holding this hearing. And I do also want to thank Chairman Rush, who had the hearings on the anabolic steroids and their impact on all the sports, including horseracing, and obviously without his support

and your support, we would not have a hearing today. So we are thinking about Chairman Rush today as well. Thank you.

Ms. SCHAKOWSKY. Thank you, Mr. Whitfield.
And now Mr. Stearns.

OPENING STATEMENT OF HON. CLIFF STEARNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. STEARNS. Good morning, Madam Chairwoman, and I thank you for this hearing. And I thank the Ranking Member Mr. Whitfield for his very illustrative opening statement, which I think is echoed by many of us in this room.

I say to the witnesses and to the people who are listening, this hearing is a wake-up call for you. There is abuse in your industry. You know it better than I. When I chaired this subcommittee during Republican control, we had hearings on steroids in baseball, football, basketball, professional wrestling, hockey, and what we said to the witnesses was we don't want to come in and regulate you, we want you to regulate yourself. So this is a wake-up call.

As Mr. Whitfield said, we have jurisdiction here. You come to us and ask us for regulation. And then a lot of you come to us and say, oh, don't bother regulating us, but you wanted us to pass legislation in 1978 and 2006. And then you come back here and say, well, we don't have any jurisdiction. And that is oftentimes what we hear from our constituents.

But I am saying there is a wake-up call here for you. We are talking about an industry with over 7 million Americans involved in the horse industry. It generates \$112 billion in economic activity and supports 1.4 million full-time jobs. You have a fiduciary responsibility to make this industry transparent.

In my hometown of Ocala, we have—between Levy and Citrus County, we have over 1,000 horse farms. And all these people are trying to do the right thing, but they are going to need leadership from the people in this room.

I cochair the Congressional Horse Caucus, so I am deeply concerned about this industry, and I just want to know, was this a freak accident with Eight Belles, and was this demonstration something that we are going to see continually, or are you folks going to step up to the plate and do something? I don't necessarily want you to work with us. Work without us and prepare this Sport of Kings so that everything is in order and that there are rules and regulations that are promulgated from the top so that we don't need to develop a central regulatory authority from Congress. We are asking you to step up to the plate.

Over the past 5 years, 3,035 thoroughbred horses have died in horseracing tracks across this country. Are you going to tell me this is normal, is this OK? Are these deaths the result of unsafe commercial breeding practices, of unsafe track surfaces, or of trainers administering certain drugs to improve the horse's performance?

Now, obviously in the hearings I had in baseball, football, and basketball we made the case. We asked them to come up with a drug program, and they did. And so I think that was very effectual for our subcommittee on our hearings. There are trainers in this industry who give their horses cocaine, an illegal drug, to enhance their performance, and all they receive for this is a slap on the

wrist or a small fine. Likewise, there are trainers who administer pain medication to mask a horse's injury so that they still can run a race even if this is detrimental to the long-term physical well-being of the horse.

Today's horses appear to be much more fragile than the great racehorses of the past. Now, is this something that would require us to step in, or can you set up some type of regulatory authority for horseracing so that this can be transparent and prevent these horses from almost committing suicide?

We have a place in this discussion as Members of Congress. As Mr. Whitfield pointed out, we passed the Interstate Horseracing Act, which allows racetracks to accept bets from across State lines. The interstate track betting significantly contributes to the \$40 billion thoroughbred horseracing industry. So I hope the people in this room, and a lot of people in the horse industry who are making a fortune, should have a moral responsibility to step up here and try to answer these questions and put in place some kind of regulatory authority so that this does not continue.

I look forward to the testimonies today, Madam Chairman, and I thank you for this hearing.

Ms. SCHAKOWSKY. Thank you, Mr. Stearns.

Next in order of appearance, Mr. Terry.

OPENING STATEMENT OF HON. LEE TERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. TERRY. Thank you, Madam Chairwoman. I appreciate the opportunity, and I welcome our witnesses. I especially enjoy having Jack Van Berg here, as I worked at Ak-Sar-Ben Racetrack for 4 years; put myself through 2 years of college and 2 years of law school there in its good days. And your horses were always stable there, pun intended. And a good friend of mine, Bob Kruger, whose grandsons are my interns here, you trained their grandfather's horses right now. So they are really enjoying working this issue.

This is eerily similar to some hearings we held almost 2 years ago with boxing, and how boxing had failed to regulate itself, perhaps even taking itself down to the level of wrestling, and the McCain bill to try and create a Federal commission within the Department of Commerce to regulate boxing. And there is, of course, as the opening statements have pointed out, some high jinks within horseracing that I think belittle the majesty of the sport.

It is a great sport. I will tell you there is nothing better than being along the rail as the horses come around the turn, and the sound of it is just thrilling. But to think that the bloodlines have been prostituted in a way that maybe makes the horse lines more fragile, and risking injury and death is a legitimate issue that the industry needs to look at.

Of course, the doping issue. We have been criticized for looking into baseball doping, so I don't know where we are going to be on ESPN tonight on criticizing horse doping, but it is an issue. And I think it is something that the horseracing industry needs to look at so fans like me, when a horse comes around the turn, we know is in a legitimate competition and not leading the pack because of what drugs had been administered to it before the race.

So I am looking forward to your testimony with some nostalgia from my days at Ak-Sar-Ben Racetrack and Jack Van Berg's days there as well. And thank you for holding this hearing, and I yield back.

Ms. SCHAKOWSKY. Thank you.

And now Mr. Pitts.

OPENING STATEMENT OF HON. JOSEPH R. PITTS, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA

Mr. PITTS. Thank you, Madam Chair. Thank you for holding this important hearing on Breeding, and Drugs and Breakdowns: The State of Thoroughbred Horseracing and the Welfare of the Thoroughbred Racehorse. I also extend my thanks to Mr. Whitfield for his leadership on this issue and in bringing this hearing to fruition.

Along with my colleagues I remain deeply concerned about the use of drugs in horseracing. It is vital that the industry and its leadership come up with immediate long-term solutions to this problem, or those in the industry with major concerns will turn elsewhere for permanent change and correction.

There are a number of major concerns in this industry, including the health and safety of horses, the health and safety of jockeys, and the fact that this is the only industry that is allowed by Congress to conduct interstate gambling to the tune of approximately \$15 billion. That is a tremendous amount of money involved in an industry with little or no accountability.

The National Football League suspends highly talented players from games or even entire seasons for their abuse of animals, like dogfighting or even for conduct that reflects poorly on their sport. In horseracing, however, reports suggest that individuals can get away with injecting horses with illegal and legal drugs that harm the animals and simply get a \$2,000 fine or less. This is problematic. Why should people who abuse horses be allowed to get away with it? They shouldn't.

As was discussed during the February hearing that this subcommittee held on steroids and drug use in sports in general, it is the integrity and honor of competition that is at stake. The integrity of horseracing is at stake. It is time for the industry as a whole to take a stand and end the abuse of horses, whether that be through drugs or through questionable breeding practices, which endangers both the horses and the humans who ride them. Watching a horse like Eight Belles who was cared for very well run a fantastic race and then be euthanized during her cool-down because of fractures in her ankles is deeply disturbing.

I look forward to hearing from all of our guests today. I would like to extend a particular welcome to Dr. Lawrence Soma from the New Bolton Center, which is in my legislative district, congressional district. Your work on these issues is greatly appreciated. I am delighted that you are here today to provide us with testimony and insight on how we can best find solutions to the existing problems in this industry.

In addition, I would like to extend my appreciation to Randy Moss for his leadership on this issue.

Thank you to each of our distinguished witnesses for being here today, for providing us with your insight and recommendations on how to address these important concerns, and I look forward to your testimony and yield back.

Ms. SCHAKOWSKY. Thank you.

I would like to introduce all of the witnesses and then call on each in turn for a 5-minute presentation.

I want to also associate myself with Mr. Pitts' gratitude to Mr. Whitfield for his leadership on this issue, and explain that this hearing is completely bipartisan in terms of the positions being taken by the Democrats and the Republicans on this committee.

So I want to welcome you. And the first panel includes Alan Marzelli, president and COO of the Jockey Club. The Jockey Club is the breed registrar of all thoroughbreds in North America. In this role the organization promulgates regulations and standards on how a thoroughbred qualifies to be registered.

Richard Shapiro is the chairman of the California Horseracing Board. California is the largest racing jurisdiction in the United States, and Mr. Shapiro chairs the body that regulates horseracing in that State.

Jack Van Berg, as you heard, is a trainer. Mr. Van Berg was inducted into the Racing Hall of Fame in 1985 and is best known for training the late great Alysheba, who retired as the richest horse in the world in 1988.

Randy Moss, analyst, ABC and ESPN, is one of the leading pundits on horseracing in America and currently works for ABC Sports and ESPN. He has been covering horseracing for 30 years.

Arthur Hancock, III, is the owner-breeder at Stone Farm. Mr. Hancock is a fourth-generation horseman, and is perhaps most famous for owning and breeding 1989 Horse of the Year Sunday Silence.

Jess Jackson is the owner-breeder at Stonestreet Stables. Mr. Jackson of Kendall Jackson wine fame owns Curlin, who won Horse of the Year honors for 2007. Mr. Jackson surprised the racing world when he brought back Curlin to the track for his 4-year-old season.

There is a name plate up there, but someone is missing.

And we had expected Richard Dutrow. And I just would like to note the empty space for him, the trainer for Kentucky Derby and Preakness Stakes winner Big Brown. Apparently Mr. Dutrow was too ill to travel to Washington, D.C., and will not testify with our other witnesses today. Unfortunately Mr. Dutrow never informed this committee of his illness, and despite numerous attempts to reach Mr. Dutrow, he never notified anyone on committee staff that he would not be attending this morning's hearing. I am disappointed by his absence, and I am disappointed that he did not feel the need to notify the subcommittee directly of his decision. Given Mr. Dutrow's stature and reputation in the sport, I think it would have been a valuable addition to this public dialogue. I hope in the future when Mr. Dutrow recovers from his illness, he will join us and be part of the solution to clean up the sport of horseracing.

I would like to remind all witnesses—

Mr. STEARNS. Madam Chairman, a point of information?

Is it possible that we could submit questions to Mr. Dutrow in his absence? Perhaps we could send questions that we have and ask for his reply in anticipation of him coming back at a later date.

Ms. SCHAKOWSKY. Well, as Mr. Whitfield just pointed out, we may have another hearing, but I think that submitting questions in writing and could become part of the official record. Well, we will discuss afterwards how that would become part of the official record.

Mr. STEARNS. Speaking in light of the fact that he said he would be here, meaning that he would comply, and the fact that he hasn't shown up, I assume that he would be interested in answering questions. So I would request that the committee put together a letter with our questions on both sides and submit them to him and see if he will reply.

Ms. SCHAKOWSKY. OK. We will certainly take that under advisement. Thank you.

I want to remind all witnesses that your written statements have been shared with committee members and submitted for the record. And as I mentioned before, I would like to remind the witnesses if they have opening statements to please take up to no more than 5 minutes for their statements.

And we will begin with my left, your right, with our first witness, Mr. Marzelli.

STATEMENT OF ALAN MARZELLI, PRESIDENT AND CHIEF OPERATING OFFICER, THE JOCKEY CLUB, NEW YORK, NEW YORK

Mr. MARZELLI. Good morning, Chairman Schakowsky and members of the Committee. I am grateful for the opportunity to be here today and to briefly share with you some information about the Jockey Club.

At the outset I want to state that the Jockey Club shares the concerns expressed by the members of this committee and is committed to being an agent for change throughout this process. The Jockey Club was formed in 1894, and it is the breed registry for all thoroughbred horses in North America. We are also a founding member of the International Studbook Committee, which serves to coordinate the policies and practices of studbook authorities around the world.

A key ingredient to accomplishing this is through the development of the internationally accepted definition of a thoroughbred as contained in Article 12 of the International Agreement on Breeding, Racing, and Wagering. There are presently 64 countries that are signatories to this important article. As signatories, each studbook authority, including the Jockey Club, incorporates the provisions of Article 12 into its own rules.

Neither Article 12 nor our own rules themselves promote specific attributes. To do so would be at best subjective and potentially restrictive to fair trade and free-market enterprise not only here, but around the world.

I would also state that Article 12 of the international agreement is perhaps the best example of the global racing community harmonizing the rules of different jurisdictions in order to facilitate cross-border commerce. Curlin was mentioned earlier. The rules that are

in place around the world through the International Studbook Committee are what permit a horse like Curlin to travel internationally and be recognized as a thoroughbred everywhere he goes.

Now, beyond our primary mission as keeper of the American studbook, the Jockey Club has since our inception maintained a leadership role in numerous and wide-ranging industry initiatives. Time and time again the Jockey Club has devoted very substantial efforts and resources to projects that we believed in. The spring of 2008 was one of those times. The tragic breakdown of Eight Belles at the conclusion of this year's Kentucky Derby prompted the Jockey Club to announce the creation of a Thoroughbred Safety Committee whose purpose is to review every facet of equine health, including breeding practices, medication, the rules of racing and track surfaces, and to recommend actions to be taken by the industry to improve the health and safety of thoroughbreds.

We have been meeting regularly since early May and, as you may know, issued our first set of recommendations 2 days ago. This wide-ranging set of recommendations includes a ban on front toe grabs and other traction devices, reforms in the equipment and usage of a riding crop by jockeys, and, importantly, the adoption of the RMTC model rule to eliminate anabolic steroids in the training and racing of thoroughbreds. These recommendations have been endorsed and supported by a wide cross-section of over 15 leading industry organizations.

We are confident that with this unified support, these initial recommendations will be implemented in a timely fashion. Specifically, we are confident that 2008 will be the last year in which anabolic steroids will be permitted in our sport during training and racing.

In closing, I must emphasize that the Thoroughbred Safety Committee's work has just begun. Additional recommendations and findings will be provided at our annual roundtable conference in Saratoga Springs in mid-August, if not before. And the work of the committee will continue beyond then as a standing committee of the Jockey Club's board of stewards.

Specifically, the stewards of the Jockey Club and the members of the Thoroughbred Safety Committee are of the belief that the elimination of anabolic steroids is only a start. In order to restore the trust and confidence in our support that our fans deserve, in order to protect our equine athletes, and in order to ensure the long-term health of the thoroughbred breed, we must eliminate all performance-enhancing drugs from the sport. We are committed to seeing this effort through, and as evidenced by the strong show of support for our initial set of recommendations, we are confident that many other organizations in the industry share our beliefs.

Thank you for your attention, thank you again for your interest, and I will be glad to answer any questions you have.

Ms. SCHAKOWSKY. Thank you.

[The prepared statement of Mr. Marzelli follows:]



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"Breeding, Drugs and Breakdowns:
The State of Thoroughbred Horseracing and the Welfare of the Thoroughbred Racehorse"
Subcommittee on Commerce, Trade and Consumer Protection
Committee on Energy and Commerce

Alan Marzelli, President & Chief Operating Officer, The Jockey Club
June 19, 2008

Good morning, Ms. Vice Chairman, and members of the committee. I am grateful for the opportunity to be here today and to briefly share with you some information about the role, mission and activities of The Jockey Club.

The Jockey Club was formed in 1894 and is the breed registry for all Thoroughbred horses in North America. As such, we are responsible for maintaining *The American Stud Book*, which ensures the correct pedigree and identification of every Thoroughbred foaled in the United States, Canada and Puerto Rico. In order to register a Thoroughbred in North America, breeders must comply with the rules of registration as set forth in the *Principal Rules and Requirements of The American Stud Book*.

The Jockey Club is a founding member of The International Stud Book Committee, which serves to coordinate the policies and practices of stud book authorities around the world. A key ingredient to accomplishing this is through the development of the internationally accepted "Definition of a Thoroughbred," as contained in Article 12 of the *International Agreement on Breeding, Racing and Wagering*.

There are presently 64 countries that are signatories to this important article. As signatories, each stud book authority, including The Jockey Club, incorporates the provisions of Article 12 into its own rules.

Neither Article 12 or the *Principal Rules and Requirements of The American Stud Book* themselves promote specific attributes. To do so would be at best subjective and potentially restrictive to fair trade and free market enterprise, not only in North America but around the world.

Article 12 of the *International Agreement on Breeding, Racing and Wagering* is perhaps the best example of the global racing community harmonizing the rules of different jurisdictions in order to facilitate cross-border commerce. Uniform rules among 64 participating countries enable a Thoroughbred purchased at auction in North America, for example, to be exported to another country in order to race and breed there. These same uniform rules are what enabled the magnificent Curlin to travel to Dubai this past March and capture the Dubai World Cup.

Having mentioned the global nature of Thoroughbred breeding, and before I delve into some of the many equine health and safety initiatives that The Jockey Club has spearheaded through the years, it may also be helpful to provide you with a sense of the scope of Thoroughbred breeding and racing worldwide.

In 2006, there were 170,000 races run worldwide. That averages about 465 races per day...or one race somewhere in the world every three minutes!

Across the globe, owners competed for almost \$4 billion dollars in purse money and bettors wagered more than \$112 billion dollars in 2006. 196,000 mares were bred to 10,000 stallions and 118,000 foals were registered.

In 2006, the United States was responsible for:

- 30% of mares bred worldwide;
- 29% of registered foals;
- 31% of races run;
- 29% of prize-money awarded;
- 13% of pari-mutuel handle.

The United States tops the list worldwide in the first four categories and is ranked 3rd in handle. In addition, continued strong international demand for American bloodlines has resulted in a 28% increase in the total number of exports over the past five years, with increases in each of the last four years.

Beyond its primary mission as keeper of *The American Stud Book*, The Jockey Club has, since its inception, maintained a leadership role in numerous and wide-ranging industry initiatives. Time and time again, The Jockey Club has devoted very substantial efforts and resources to projects that we believed in.

Many of those projects through the years have centered on the health and safety of the horse. Many others have focused on the medication dilemma that has hovered over this industry, and indeed all sports, for decades.

Much of our work in the area of equine health and welfare of the Thoroughbred has been conducted through our Grayson-Jockey Club Research Foundation, a worldwide leader in equine research.

Since 1983, Grayson has provided more than \$13 million to fund 210 projects at more than 30 universities. In 2007 alone, over \$1.1 million was allocated for 21 projects, including three devoted to the study of laminitis, the painful and often fatal hoof disease that afflicted Barbaro following his injury in the 2006 Preakness Stakes.

A majority of the advances that are the result of Grayson-funded research benefit all horse breeds, not just Thoroughbreds.

Together with The Jockey Club, Grayson initiated, organized and underwrote the Welfare and Safety of the Racehorse Summits that were held at Keeneland Race Course in Lexington, Kentucky in October, 2006 and March, 2008.

The October 2006 Summit involved more than 40 leaders from across the industry. Actions taken at the 2006 Summit included:

- Creation of an on-track injury reporting system and development of a standard form for reporting injuries;
- Increasing industry awareness of a growing body of scientific data identifying use of toe-grabs and other traction devices on front shoes of race horses as contributing to an increased risk of catastrophic injury; and
- Statistical analyses to determine if specific bloodlines are producing horses exceeding norms in terms of soundness and durability, with an eventual plan to derive a Durability Index as a tool for breeders.

It is simply unacceptable that racing has no national system in place to record injuries. A comprehensive tracking and reporting system is essential to properly analyzing injuries and identifying the conditions and circumstances that give rise to them.

Thanks in large part to the leadership and efforts of Dr. Mary Scollay, whom you will hear from later today, we are on the verge of rectifying that problem. Leveraging the technological expertise resident within The Jockey Club family of companies, we have developed an equine injury reporting system that is currently in the final stages of field testing with regulatory veterinarians in California. The full production system is set to be made available to racetracks later this summer, through the InCompass racetrack operations module that is in use at nearly every racetrack in North America.

On the subject of medication, The Jockey Club's position has been clear and consistent throughout the years. We have played an integral role in the industry effort to identify and either ban or regulate the use of performance-enhancing drugs and race-day medications by Thoroughbred race horses. As we've said many times before, horses should win on talent, ability and heart...not medication!

In 1990, The Jockey Club retained McKinsey & Company to undertake a project aimed at developing a national strategic plan for drug detection in the racing industry. Their report, titled "*Building a World-Class Drug Detection System for the Racing Industry*" was released in 1991. Three of the primary recommendations were fully or partially adopted by the Association of Racing Commissioners International ("RCI) in the years that followed.

During 2000, several events laid the groundwork for the development of a national organization committed to tackling issues relating to medication and post-race testing and following through with the recommendations contained in the McKinsey report.

In December of that year, the American Association of Equine Practitioners hosted a summit that brought together individuals representing 23 industry stakeholder groups to discuss development of a uniform national medication policy for racehorses. That meeting led to the formation of the Racing Medication & Testing Consortium ("RMTC").

Since then, the RMTC has primarily focused its efforts on the McKinsey "blueprint," including the development and adoption of model medication rules and penalties, research to detect prohibited substances, establishment of thresholds and withdrawal times, race-day security, and industry communications. These recommendations include, but are not limited to, anabolic steroids.

The Jockey Club has been an active participant and one of the major financial contributors to RMTC since its inception.

At our 2004 Round Table Conference, we invited Dr. Don Catlin, the creator of the UCLA Olympic Drug testing lab, to speak about his experience and how it may help to prevent the use of prohibited drugs in horse racing. The outgrowth of that conference was the creation of the Equine Drug Research Institute ("EDRI"), formed as a committee of The Grayson-Jockey Club Research Foundation and in conjunction with Dr. Catlin's Anti-Doping Research Laboratory.

EDRI's mission was to fund a major research initiative designed to develop new tests for drugs that pose significant risk of potential abuse in equine sports, and to share that forthcoming data with qualified equine testing laboratories free of charge, to assure a fair and level playing field for all participants.

The Jockey Club has been an active participant and one of the major financial contributors to EDRI since its inception.

The tragic breakdown of Eight Belles at the conclusion of this year's Kentucky Derby prompted The Jockey Club to announce the creation of a Thoroughbred Safety Committee "to review every facet of equine health, including breeding practices, medication, the rules of racing and track surfaces, and to recommend actions to be taken by the industry to improve the health and safety of Thoroughbreds."

That committee has been meeting regularly since early May, and issued its first set of recommendations two days ago. In this first set of recommendations, the committee has called for:

- A ban on front toe grabs and other traction devices;
- Reforms in the equipment and usage of a riding crop by jockeys; and
- The adoption of the RMTC model rule to eliminate anabolic steroids in the training and racing of Thoroughbreds.

These recommendations have been endorsed and supported by a wide cross-section of over 15 leading industry organizations. We are confident that, with this unified support,

these initial recommendations will be implemented in timely fashion. Specifically, we are confident that 2008 will be the last year in which anabolic steroids will be permitted in our sport during training and racing.

The Jockey Club, and indeed all industry organizations seeking to improve the conditions of our sport, have a powerful ally to effect change – our fans. During the course of the Thoroughbred Safety Committee’s early deliberations, we have received input from some of our long-time, highly respected players. The message that we have consistently heard from them is that they want a level playing field, especially with respect to medication. Rest assured they will be watching and keeping score at home.

In closing, I must emphasize that the Thoroughbred Safety Committee’s work has just begun. Additional recommendations and findings will be provided at our annual Round Table Conference in Saratoga Springs, NY in mid-August, if not before. And the work of the committee will continue beyond then as a standing committee of The Jockey Club’s Board of Stewards.

Specifically, The Stewards of Jockey Club and the members of the Thoroughbred Safety Committee are of the belief that the elimination of anabolic steroids is only a start. In order to restore the trust and confidence in our sport that our fans deserve, in order to protect our equine athletes, and in order to ensure the long-term health of the Thoroughbred breed, we must eliminate all performance-enhancing drugs from the sport.

We are committed to seeing this effort through, and as evidenced by the strong show of support for our initial set of recommendations, we are confident that many other organizations in the industry share our beliefs.

Thank you for your attention and I will be glad to answer any questions you may have.

Ms. SCHAKOWSKY. Mr. Shapiro.

STATEMENT OF RICHARD SHAPIRO, CHAIRMAN, CALIFORNIA HORSERACING BOARD, CALABASAS, CALIFORNIA

Mr. SHAPIRO. Madam Chairwoman and Members, for three generations my family has been involved in nearly every aspect of this sport. I have operated a racetrack, competed as a harness driver, and have owned and bred thoroughbreds for racing. Currently I am the chairman of the California Horseracing Board.

I would first like to acknowledge the thousands of dedicated horsemen and horsewomen who keep this beautiful sport alive. Horseracing is a \$26 billion-a-year industry, directly providing nearly 400,000 jobs and satisfying careers from the inner city to rural America. As one of the first and oldest forms of legalized gambling in the United States, horseracing occupies a special place in our history and our culture.

Nevertheless, I have witnessed the changes and accept the challenges that all of us in this industry now address every day. How do we help our sport survive and maintain its integrity in this era of enormous competition from Indian casinos, card clubs, new lottery games, and the potential spread of legalized Internet gambling?

We are in the midst of transforming our ivy-covered brick-and-mortar racing venues into the flashy Web graphics of live sports telecasting and entertainment, entertainment that people bet on. We must carefully balance the need to attract newer and younger casual fans while satisfying our regular patrons who enjoy our game and keep these venues alive. And we must never lose our vision or neglect our responsibility to care for the horses that people come to see, the beautiful creatures that make it all possible and whose health and welfare must always be our prime concern.

As the tragic death of Eight Belles after the Kentucky Derby reminded us, horses are fragile, and the game can be cruel. But more is in operation here, and the best minds of the industry are closely examining why it is the breed appears to be weakening. In 1948, Citation won 19 of 20 starts as a 3-year old, including the Triple Crown. That same year he beat older horses and won at every distance from 6 furlongs to 2 miles. This year the Kentucky Derby was won by a horse that had only raced three times and now may race only twice more, if at all.

According to the Jockey Club, horses raced on average 6.3 times in 2007, down from a peak in 1960 of 11.3 times, and this despite diagnostic and veterinary medicine that rivals the human care offered at the Nation's best hospitals and clinics. A long-time track vet once testified 20 years ago we had twice the horses and half the vets; now we have twice the vets and half the horses. Today it is not uncommon for some vets to examine their patients for free and charge only for the medications they prescribe, an inherent conflict of interest.

Without a doubt, medication has changed our sport and presented us with profound challenges that threaten the game itself. For the sake of speed and for having the fastest horse on the first Saturday in May, fewer horses are bred for durability, longevity and stamina. We push 2-year-olds onto the track before many can

handle the rigors of racing. The game has become more horse breeding than horseracing. To give you a personal example, my family bred and owned the first horse to earn \$1 million in California. His name was Native Diver. He raced 81 times and won 34 stakes races, a record that still stands today 40 years later. Today the career of a stakes-caliber horse is considered long if he runs 25 times before retirement.

Over the past 40 years, we have traded the time-tested regimen of hay, oats, and water for a virtual pharmacopoeia— Lasix, Butazolidin, Clenbuterol—that has created, as one commentator recently noted, the chemical horse. After banning it as a performance enhancer, racing later permitted the widespread use of Clenbuterol, a drug originally marketed to fatten cattle, after its proponents claimed nothing else worked as well to clear out a horse's respiratory system. Despite evidence suggesting that this drug can alter the muscle mass of the heart, it is commonly used in racing.

And we have created the chemical horse in the name of medicine and therapy, when too often it has been done to gain a competitive advantage. How else do we explain the widespread use of steroids on horses? As Dr. Donald Catlin, whose tests are used by the U.S. Olympic Committee, said recently, quote, “we have seen how anabolic steroids work in humans. It is going to work the same way in horses,” end quote.

Ms. SCHAKOWSKY. Let me just note for you that your time is up. So if you could just take a minute to wrap up, that would be great.

Mr. SHAPIRO. Clearly there is no place for anabolic steroids. But there is one issue larger than all the others. Our industry is a chorus of many voices and not always singing from the same music. We have no central governance, no uniform policy rules and laws that ensure an even playing field in all respects. Our structure is dysfunctional and must become functional.

I submit we need a national racing charter; one uniform set of rules and policies that governs all who choose to enjoy this sport. The regulatory scheme to prevent the use of performance-enhancing medication is only as good as the ability to find and detect the drugs in use. More research and more scientific study is needed now.

We must modernize the way the game is regulated. I do not believe a national regulatory scheme should be imposed. It is not my preference unless it is the last resort. The industry has had decades to find a way for self-uniform governance, and it has not happened. If the industry can't do it, we should all welcome it. I submit we need a national racing commission. I submit to retain its fans, to prosper, racing must act now.

Ms. SCHAKOWSKY. Thank you.

[The prepared statement of Mr. Shapiro follows:]

Subcommittee on Commerce, Trade and Consumer Protection of
the Committee on Energy and Commerce Hearing on
Thoroughbred Racing

The Honorable Bobby L. Rush, Chairman

June 19, 2008

Testimony of Richard B. Shapiro

Mr. Chairman, Members:

For three generations my family has been involved in nearly every aspect of this sport. I have operated a race track, competed as a harness driver, and have owned and bred thoroughbreds for racing. Currently, I am the chairman of the California Horse Racing Board.

I would first like to acknowledge the thousands of dedicated horsemen and horsewomen who keep this beautiful sport alive. Horse racing is a \$26 billion a year industry, directly providing nearly 400,000 jobs and satisfying careers, from the inner city to rural America. As one of the first and oldest forms of legalized gambling in the United States, horse racing occupies a special place in our history and our culture.

Nevertheless, I have witnessed the changes and accept the challenges that all of us in this industry now address every day: How do we help our sport survive – and maintain its integrity – in this era of enormous competition from Indian casinos, card clubs, new lottery games and the potential spread of legalized Internet gambling?

We are in the midst of transforming our ivy-covered bricks and mortar racing venues into the flashy web graphics of live sports telecasting and entertainment – entertainment that people bet on. We must carefully balance the need to attract newer and younger casual fans while satisfying our regular patrons who enjoy our

game and keep these venues alive. And we must never lose our vision or neglect our responsibility to care for the horses that people come to see: The beautiful creatures who make it all possible and whose health and welfare must always be our prime concern.

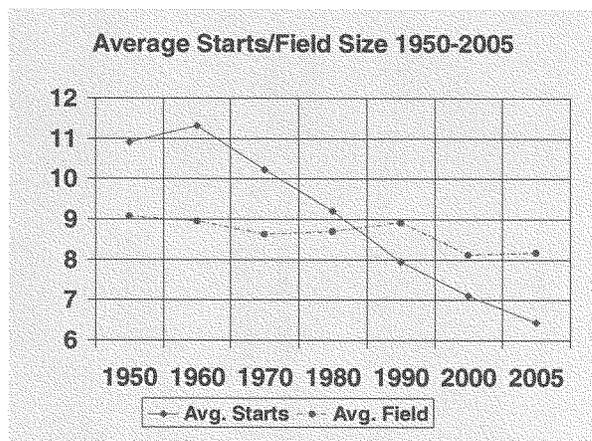
As the tragic death of Eight Belles after the Kentucky Derby reminded us, horses are fragile and the game can be cruel. But more is in operation here, and the best minds of the industry are closely examining why it is that the breed appears to be weakening. In 1948, Citation won 19 of 20 starts as a three year-old, including the Triple Crown. That same year he beat older horses and won at every distance between six furlongs and two miles. This year the Kentucky Derby was won by a horse that had only raced three times – and now may race only twice more, if at all.

According to the Jockey Club, horses raced on average 6.3 times in 2007, down from a peak in 1960 of 11.3 times. And this despite diagnostic and veterinary medicine that rivals the human care offered at the nation's best hospitals and clinics. A longtime track vet once testified that, "Twenty years ago we had twice the horses and half the vets. Now we have twice the vets and half the horses." Today, it is not uncommon for some vets to examine their patients for free and charge only for the medicines they prescribe, an inherent conflict of interest.

Without a doubt, medication has changed our sport and presented us with profound challenges that threaten the game itself. For the sake of speed, and for having the fastest horse on the first Saturday in May, fewer horses are bred for durability, longevity and stamina. We push two year-olds onto the track before many can handle the rigors of racing. The game has become more "horse breeding" than "horse racing". To give you a personal example, my family bred and owned the first horse to earn a million dollars bred in California, Native Diver, who raced 81 times and won 34 stakes races – a record that still stands. Today, the career of a stakes-caliber horse is considered long if it runs 25 times before retirement.

Over the past 40 years we have traded the time-tested regimen of hay, oats and water for a virtual pharmacopoeia – lasix, butezolidin, Clenbuterol – that has created, as one commentator noted recently, “The Chemical Horse.” After banning it as a performance enhancer, racing later permitted the widespread use of Clenbuterol -- a drug originally marketed to fatten cattle -- after its proponents claimed nothing else worked as well to clear out a horse’s respiratory system. Despite evidence suggesting that this drug can alter the muscle mass of the heart, it is commonly used in racing.

And we have created The Chemical Horse in the name of medicine and therapy when, too often it has been done to gain a competitive advantage. How else do we explain the widespread use of steroids in horses? As Dr. Donald Catlin, whose tests are used by U.S. Olympic Committee said recently, “We’ve seen how anabolic steroids work in humans. It’s going to work the same way in horses.” Clearly, there is no place for anabolic steroids in competitions of man or horse.



Equine Drugs Approved by FDA

- 1960's
 - Corticosteroids
 - Dexamethasone
 - Flumethasone
 - Isoflupredone
 - Methylprednisolone
 - NSAID
 - Phenylbutazone (Bute)
 - Anabolic Steroids
 - Testosterone
 - Stanozolol (Winstrol)
- 1970's
 - Corticosteroids
 - Betamethasone
 - Triamcinolone
 - NSAID
 - Flunixin (Banamine)
 - Anabolic Steroids
 - Boldenone (Equipoise)
 - Muscle Relaxant
 - Metocarbamol (Robaxin)

Equine Drugs Approved by FDA

- 1980's
 - EIPH Treatment
 - Furosemide (Lasix)
 - Anabolic Steroids
 - Trenbolone
 - Joint disease
 - Hyaluronate Sodium
 - Analgesic
 - Butorphanol
 - Detomidine
- 1990's and 2000's
 - Bronchodilator
 - Clenbuterol
 - Albuterol
 - NSAIDs
 - Diclofenac (Surpass)
 - Firocoxib (Equioxx)

Breeding for speed, over-medicating and trying to stay popular and relevant in this era of widespread gaming opportunities, are just three of the major issues we deal with every day. Numerous others affect our future, too. For example, we continue to demand that jockeys maintain weights potentially dangerous to their health at the same time we have been taking weight off the horses because trainers and owners have demanded it. Farriers fit our horses with shoes designed to grab or stick and provide more traction which have been proven to be harmful. That, too, needs to stop.

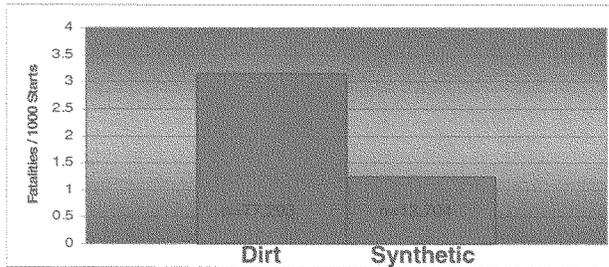
But there is one issue larger than all the others: Our industry is a chorus of many voices not always singing from the same music. We are owners, breeders, trainers, track operators and regulators, all with distinct concerns and we all must navigate 38 sets of rules and regulations all designed to protect the horse, the rider and the betting public. We have no central governance, no uniform policies, rules, and laws that assure an even playing field in all respects.

What was once a straightforward process of state stewards policing the sport has morphed into a legalistic nightmare in which steward's decisions are litigated at great expense to diminishing regulatory budgets for months, and sometimes, years. Participation in horse racing is a privilege not a right. As regulators we must demand and vigilantly ensure that all of racing's constituents adhere to uniform rules as the price to participate.

I submit: We need a national racing charter. One uniform set of rules and policies, one that governs all who choose to enjoy the privilege of racing. This should be the price of admission to our sport. The charter must establish uniform and consistent rules for the use of medication and the pre- and post-race testing of horses. And racing must overhaul the patchwork way it enforces its rules. The game needs a disciplinary system that is swift, fair and firm.

In my state, California, we have tackled the issues of medication and safety almost continuously for the past 20 years. We test every horse for milkshakes and are banning the use of anabolic steroids. We have mandated that associations install safer, softer racing surfaces at our major tracks. This, too, has not occurred without special challenges, as we learned at Santa Anita this year, nor is it perfected yet. But horses are returning sounder, more are racing and racing longer and, most importantly, fewer are breaking down.

Main Track Racing Fatalities* 2004-2007



Santa Anita, Hollywood Park, Del Mar, Oaktree at Santa Anita, Golden Gate Fields & Bay Meadows Only

Main Track Racing Fatalities* 2004-2007

	Fatality to Starts	Fatalities per 1000 Starts
Dirt (246 / 77,293)	1/314	3.18
Synthetic (17 / 13,704)	1/806	1.24

Santa Anita, Hollywood Park, Del Mar, Oaktree at Santa Anita, Golden Gate Fields
& Bay Meadows Only

California recently adopted new stringent medication rules and penalty guidelines for punishing offenders. With state-of-the-art instrument testing, we examine post-race urine samples for more than 800 known compounds. Others test far fewer, unfairly tilting the playing field. But the regulatory scheme to prevent the use of performance-enhancing medication is only as good as its ability to find and detect the drugs in use. More research, and sound scientific study, is needed now.

California's necropsy program, the only one in the country, studies fatalities and has led to numerous other studies to protect horse and rider. For nearly two years we have been pushing the industry to conduct more and better due diligence about the individuals and the entities operating satellite wagering facilities to which we export our racing signals. We need to know that those participating in our pools are there for all the right reasons. Something this important should not take over two years to accomplish.

While better science and closer study are both valuable and necessary, I submit: Racing cannot always wait for science to confirm what it knows in its gut to be true. We need the ability to make hard decisions faster than science or government can provide – even knowing some choices will be hard and may not satisfy every concern -- so that, together, we can move the industry forward.

We must modernize the way the game is regulated. I do not believe a national regulatory scheme should be imposed. Rather, we need your encouragement and assistance to ensure the 38 states where racing occurs will adopt uniform rules and regulations. The time has come for the racing jurisdictions to create, fund and staff one independent central regulatory body to police the game and protect all who participate. I submit: We need a National Racing Commission.

While I applaud and support the efforts of RCI and others, the imperative to always reach a consensus among 38 jurisdictions makes meaningful reform a slow, tedious and often contentious process. We need a single set of rules and regulations to survive and thrive. Every person and entity who participates should have a voice in writing a new charter. I submit: To retain its fans and to prosper, racing must act now.

Should Congress help us? And, if so, how?

First, recognize and encourage the continuation of the trend toward a single regulatory scheme we have begun through RCI and numerous *ad hoc* committees throughout the sport.

Second, help us promote and fund more focused research in matters of equine health, jockey and track safety.

Third, consider restoring investment and tax incentives to encourage horsemen to keep the sport's best horses on the track longer, where a new generation of fans can witness their majesty before they retire to the breeding shed.

Finally, help us create opportunities to inject new life into the sport by easing restrictions on the types and manners of wagers

permitted to showcase our product, safeguard it from piracy, and ensure a healthy future for this sport.

The Eight Belles tragedy and the understandable reaction of those who love these animals as much as we do brought us here today. As owners, breeders, trainers, track operators and regulators, we know we must work even harder together or face an uncertain future alone.

Thank you for your interest and support.

Ms. SCHAKOWSKY. Mr. Van Berg.

**STATEMENT OF JACK VAN BERG, TRAINER, INGLEWOOD,
CALIFORNIA**

Mr. VAN BERG. Thank you.

Good morning Chairwoman Schakowsky, all the Members, my fellow from Nebraska over there. I hope he didn't work for me back them days. He would think I was mean.

In order to bring integrity back to the sport of horseracing, the first and the most important thing should be to implement the most sophisticated drug testing available. It should be funded by a small percentage of the simulcast money, approximately one-eighth of 1 percent. Three labs should conduct the testing: one in the West, one in the East, one in the Midwest. It would be the responsibility of the trainer or his representative to monitor the collection of the sample after the race. Half of the test sample would be immediately frozen and put in a locker that contains two keys, one for the lab technician and one for the trainer. If the test—if the other half sent in, if the test comes back positive, then they go unlock it together to go to one of the other labs and have it taken. If the test is positive, then they should face a stiff penalty be imposed on them instead of a slap on the hand. But they have got to have the money to do the finest testing that can possibly be made.

As for medication, it would be in the best interest of this grand sport and these grand equine athletes to abolish any and all medications. This would mean no race-day thresholds of Lasix, Bute, steroids, or any other medication. The present rule permitting the use of steroids and other drugs have compromised the integrity of horseracing and has been a major factor in attendance and for interest falling to an all-time low. The crowds, most of these race-tracks now, you can shoot a cannon through them and can't hit anybody.

Steroids given to these nonconsenting athletes, the time they need to develop, the horse can't tell you that he doesn't want to take them. Your football players, baseball players, and all people can say, no, I don't take them, that is their privilege. But the horse hasn't got that. Steroids given to young horses can cause an unnatural increase in muscle mass and makes them much heavier than their still-maturing bone structure. They just get so heavy, and on their young bones that haven't matured yet, they just can't take it. But as my father once said, fat is the best color in the world, so when they go to the auction, the bigger and better and bulkier they look, the better they sell. Let the horse develop on his own, and the trainer should be enough horseman to know when he has matured and ready to proceed in more massive training and pick him up.

As for racing surfaces, they should be a good sandy loam and maintained for the soft cushion. I do not think it helps our fans to be concerned how fast the race is run. The safety of the horse should be the priority, not how fast the track is. On big days most racetracks see how fast they can get the track. The surface should be maintained at the same depth at all times.

I would like to thank all of you for listening to the little bit I have to say. I will be happy to answer any questions that anybody desires. Anything that I can do to help with this great sport and the integrity of it and these great athletes I will be happy to. Thank you.

Ms. SCHAKOWSKY. Thank you.

[The prepared statement of Mr. Van Berg follows:]

STATEMENT OF JACK VAN BERG

In order to bring integrity back to the great sport of horse racing, the first and most important act should be to implement the most sophisticated drug testing available. It should be funded by a small percentage of the simulcast money: approximately one-eighth of one percent. Three labs should conduct the testing—one in the west; one in the east; one in the Midwest. It would be the responsibility of the trainer, or his representative to monitor the collection of the sample(s) after the race. Half of the test sample should be immediately frozen and put in a locker that requires two keys to open. One key should be held by the trainer and another one held by the lab technician. The other half of the sample should be sent to the designated lab and tested. If this sample is positive, then the trainers and lab technician would unlock the other half of the sample and send it to one of the other designated labs. If the sample is also positive, then very strict penalties should be imposed.

As for medication, it would be in the best interest of this grand sport and these grand equine athletes to abolish any and all medications. This would mean no race day threshold levels of Lasix, Bute, Steroids, or any other medication. The present rule permitting the use of steroids and other drugs have comprised the integrity of horse racing and has been a major factor in attendance and for interest falling to an all time low. Steroids do not give these “non-consenting” athletes the time they need to develop and mature. Steroids given to young horses, they cause an unnatural increase in muscle mass and make them heavier than their still maturing bone structure can often tolerate. Let the horse develop on his own and the trainer should be enough of a horseman to know when he has matured.

As for racing surfaces, they should be a good sandy loam and maintained for the soft cushion. I do not think it helps for fans to be concerned about how fast a race is run. The safety of the horse should be the priority and not how fast the track is. On big days, most race tracks see how fast they can get the track. The surface should be maintained at the same depth at all times.

I would like to thank everyone for inviting me to testify before the House Committee. The sport of Horse Racing is one of the greatest sports of all times. I will always be willing to do whatever I can to bring back the greatness and integrity of this great sport.

Ms. SCHAKOWSKY. Mr. Moss.

STATEMENT OF RANDY MOSS, ANALYST, ESPN

Mr. MOSS. Thank you Vice Chairwoman Schakowsky, Ranking Member Whitfield, and other members of the subcommittee. I am not Randy Moss, the football player. I have not owned, bred, trained, or ridden racehorses. I am not a veterinarian. But I do have 30-plus years around racing in various capacities, and as a TV analyst for ESPN and ABC, I think I have a degree of objectivity here. As Fred Thompson might say, I don't have a dog in this hunt, but I think I know when the dog is barking up the wrong tree, and I am not afraid to express opinions on how the hunt should be conducted.

And let me add another voice to the chorus you have already heard. One problem in this sport that can be dealt with immediately is American racing's love affair with medication. No other country in the world has permitted thoroughbreds to legally race

with as many drugs in their systems, and many believe the soundness of the breed has been profoundly affected in a negative way. The Racing Medication and Testing Consortium that you will hear about, the RMTC, is doing admirable work in medication reform, but I believe their proposals could be taken one step further by returning American racing to running horses with nothing in their systems but good old-fashioned hay, oats and water; no traces of Butazolidin, Banamine, steroids or Lasix, turning back the clock on the culture of drugs and doing what is right by the Sport of Kings and what is right for the horses themselves.

As Jack said, at the same time racing also needs to create funding mechanisms to streamline and enhance drug testing for illegal medications as well. America has its Kentucky Derby, the greatest race in the world. We have our Breeder's Cup, the greatest day of racing in the world. But regrettably our racing is also known worldwide for its obsession with and reliance on drugs, and this must change.

Another major point I want to stress that has already been mentioned is the dysfunctional manner in which American racing is currently being conducted. Imagine if the NFL permitted every State to field as many pro football teams as it wanted, to play as many games as it wanted all year round, to create different rules of play in each State with no National League guidelines to speak of. Incredibly enough this is how American racing is currently being played.

Regulatory power is in the hands of 38 racing States with 38 sets of rules, 38 different priorities that typically consider only the interest of those respective States and not the overall health of the game as a whole. American racing has no central authority with the power to do what the NFL or the NBA or Major League Baseball has, to poll its members and to mandate policies with the long-term interest of the sport in mind.

This not only makes problems in racing notoriously difficult to rectify, the sport is cannibalizing itself in the process with cut-throat competition among racetracks that diminishes greatly the quality of racing and also puts too much pressure on the horses themselves.

It is true that few in racing, as I have seen, are eager to see Federal involvement. And I would imagine that there are more than a few in the Federal Government that don't really want to be in the horseracing business, although, if I recall, Thomas Jefferson once had a stable of racehorses that I think was actually on the grounds of the White House.

But more to the point, the States that have been entrusted with regulating horseracing have proven unable and unwilling, more importantly, to rectify many of the problems. And however a national focus can be accomplished, this issue desperately needs a solution. When horseracing had a monopoly as the only legal gambling game around, none of this mattered, but today racing faces intense competition for the gambling and entertainment dollar. It needs a single-minded and effective strategy in the marketplace and not 38 different strategies.

Thoroughbred racing, in my opinion, is a wonderful sport with a rich tradition. Some of that tradition has often meant resistance to

change. But now with the public outcry, the media scrutiny over the deaths of Eight Belles and Barbaro, the prevailing attitude within racing, and this is a good sign, is that significant change must occur. This is an unprecedented opportunity to set a new course in thoroughbred racing. Racing needs to capitalize on it, and the public rightly expects nothing less.

Thank you.

[The prepared statement of Mr. Moss follows:]

STATEMENT OF RANDY MOSS

Thank you, Vice-Chairwoman Schakowsky, Ranking Member Whitfield, and Members of the Subcommittee.

My name is Randy Moss. I work as a horse racing analyst and reporter for ESPN and ABC Sports.

I'm not the football player. I also have never trained racehorses, have never ridden racehorses, and I have had no veterinary training. I have been asked to join today's discussion because I have been close to thoroughbred racing for 30 years, as a newspaper reporter, handicapper and freelance writer; through brief stints as a racetrack manager, jockey agent and publicist; and for the last decade in television.

Because of these positions, I have had extensive conversations with trainers, jockeys, owners, breeders, racing executives, racing administrators, and veterinarians about a variety of issues, some of which are being discussed here. Just as importantly, I have a regular dialogue with horseplayers, the bettors who are the lifeblood of horse racing but whose opinions are too often overlooked.

As a result of all this, I have developed plenty of my own opinions along the way that—for better or worse—I seldom hesitate to express.

For starters, one opinion is that thoroughbred racing occupies a unique position in sports—combining tradition, excitement, pageantry, the majesty of one of the world's most beautiful creatures, and, of course, gambling.

But in one respect, thoroughbred racing is no different than the NFL, NBA or major league baseball: each sport has problems and challenges that must be confronted head-on for that sport to thrive.

And thoroughbred racing has its share of issues. Some can be easily corrected and others can't. But this is no time for a head-in-sand approach.

The way I see it, the single biggest dilemma facing this sport is the haphazard and dysfunctional manner in which racing is scheduled and administrated.

Unlike other sports, racing has no "league office" with power to make decisions for the long-term best interests of the sport. Instead, racing rules and racing dates are set by politically-appointed racing commissioners in each state, whose decisions are typically motivated by what they perceive to be best for that particular state and often are at odds with the best interests of the sport as a whole.

Imagine if the NFL were set up to permit each state to field as many pro teams as it wanted, play as many games as it wanted all year long, and set its own individual football rules with no enforceable league guidelines. In modern-day America, horse racing has always been set up in this fashion.

During the glory days of racing, when horse racing was practically the only outlet for legal gambling, it didn't matter. In that scenario, racing was almost impossible to screw up.

But now, racing faces intense competition for the gambling and entertainment dollar. At a time when the sport desperately needs a single-minded and consistent strategy in the marketplace, it has 38 racing states with 38 sets of rules and 38 different priorities. And that is a recipe for disaster.

Thoroughbred racing is cannibalizing itself. This Saturday alone racing will be conducted at Belmont Park on Long Island; at Charles Town and Mountaineer Park, both in West Virginia; at Delaware Park; at Colonial Downs in nearby Virginia; at Laurel Park just across the border in Maryland; at Finger Lakes in upstate New York; at Monmouth Park in New Jersey; at Penn National, Philadelphia Park, and Presque Isle Downs, all in Pennsylvania; and at Suffolk Downs in Massachusetts. And these are only the racetracks in the Northeast region of the country.

Incredibly, each track has determined that this type of scheduling is best for itself and its horsemen, even though these tracks are essentially competing for the same horses. There aren't enough good horses to go around, and thus the quality of racing at each track is cheapened, average field sizes in the best races are reduced, and consequently frustrated horseplayers bet less money.

At tracks such as Saratoga Race Course, Keeneland Race Course, and Del Mar, the sport thrives on short boutique racing seasons that create a festival atmosphere and yearly anticipation. Unfortunately, too many other tracks are content to grind out a profit through quantity instead of quality, with endless cards of cheap races run for a dwindling fan base. Horsemen are complicit in this, as well, since they typically resist efforts to reduce racing dates, as do state racing commissioners, who are often reluctant to endorse less tax revenue today in exchange for a more positive long-range outlook.

Another effect of these extended racing seasons is the pressure it puts on horses, especially in areas of intense track-to-track competition such as the Northeast. In a struggle to fill races, racetracks are forced to pressure trainers to run horses more frequently than they might otherwise feel comfortable doing.

Thoroughbred racing in America is proof that there can indeed be too much of a good thing.

Racing's lack of a powerful central authority is also a primary reason for medication controversies currently engulfing the sport. In the 1970s, American horsemen began convincing state authorities that legalization of raceday medications would help them run horses more frequently in support of racetracks that were scheduling ever-longer racing seasons. Because longer racing seasons pitted tracks against each other in intense competition for horses, every state eventually conceded to the easing of medication restrictions so as not to be at a competitive disadvantage with other states. Thus America became the only racing country in the world to permit raceday use of drugs such as analgesic Butazolidin and diuretic Lasix, which lowers blood pressure and is believed by many to reduce the occurrence and severity of the EIPH (exercise-induced pulmonary hemorrhaging) that hampers the breathing of some racehorses.

Included among accepted raceday medications were anabolic steroids such as Winstrol, which is still legal in 28 racing states. Steroids would eventually gain widespread use as an appetite stimulant and to help horses recover more quickly from the effects of exercise and put on muscle mass.

But well before the highly-publicized breakdowns of Barbaro and Eight Belles, many within the sport were becoming convinced that lax medication rules were having a negative rather than positive effect on American racing.

Despite the initial arguments that medication would enable horses to race more often, the opposite happened. From 1975 to 2007, average starts per horse per year dropped a staggering 62%—from 10.23 to an all-time low of 6.31 last year.

The vast majority of trainers now complain that their horses have become much more fragile. Potential explanations of this perceived increased fragility are numerous and complicated, including the possibilities that medication has weakened the gene pool and that commercial breeding practices driven by the marketplace have shifted too much toward brilliance rather than durability.

At the same time, raceday use of Lasix has been allowed to spiral out of control—even though the drug is banned by the World Anti-Doping Agency because it is allegedly used to mask the presence of more powerful illegal stimulants. Of the 92 horses entered to run today at Belmont Park, 88 were designated to run on Lasix. This is not what was originally intended.

Now for the good news: the Racing Medication and Testing Consortium (RMTC) was founded in 2002 and under the guidance of Dr. Scot Waterman it has made great strides in medication reform and recommended penalties for drug offenders. Owners and trainers have become frustrated and confused at the different medication guidelines for various states, and they have gradually begun to embrace uniform rules suggestions developed by the RMTC, even though these rules are rolling back raceday medication use considerably. Now, according to Waterman, the primary difference between medication rules in the U.S. and Europe is in the use of Lasix and steroids. The RMTC is recommending strong restrictions on steroids, and many states are listening.

One of the holdups, as always, is funding. The RMTC needs continued—and additional—funding to continue its good work. The sport needs to find the revenue to consolidate its 18 testing laboratories and enhance testing procedures for items such as EPO, or Epogen, which is lesser-known by the public but is perceived to enhance performance much more than steroids.

Also, in the wake of the Eight Belles tragedy, the Thoroughbred Safety Committee was formed to tackle the tough issues regarding medication, breeding practices and track surfaces. The committee's initial recommendations issued Tuesday regarding steroids, safety whips and proper racing shoes have met with widespread praise, and more recommendations are to come. However, the lack of a central racing authority forces the Thoroughbred Safety Committee and other industry leaders to announce that they "support," "strongly support," "endorse," "urge," "encourage" and

otherwise beg and plead for the various racing states to adopt the changes. The reason for this language is obvious: the sport has no power to “require” that changes be made. In the current industry framework, any state that wishes to thumb its nose at such recommendations is free to do so, with no official ramifications.

After the one-two punches of Barbaro in 2006 and this year’s Kentucky Derby, mainstream media began a closer examination of thoroughbred racing. The public was concerned about the humaneness of the sport, and too often were appalled at what they were seeing. Racing can and must do better. But remember that these issues being debated existed long before the demise of Barbaro and Eight Belles, but the sport lacked a system as well as a desire to implement needed changes. The attention now being focused on these issues, by this committee as well as the public, now gives horse racing a rare opportunity to conquer its inefficiencies and pull together in a positive direction.

And along with the opportunity comes a sober responsibility: this is something the sport can ill afford to mess up.

Some conclusions:

1) Most in the sport have no desire for federal regulation of horse racing. But through whatever means it can be accomplished, thoroughbred racing desperately needs a strong central authority with regulatory power to make binding decisions necessary for the short- and long-term best interests of the sport.

2) The explosion of racing dates must be reversed—and in some cases dramatically—perhaps through the formation of a league of world-class U.S. racetracks with coordinated racing dates, stakes schedules and simulcasting rates.

3) The use of Lasix as a raceday medication should be abolished. At the very least, no horse that has ever competed with Lasix or any other race-day medication should be allowed to propagate as a sire or broodmare in order to restore the integrity of the thoroughbred genetic pool. In addition, all graded stakes races—the designation given to the country’s premier stakes—should be run with no raceday medication.

4) The Thoroughbred Safety Committee’s recommendations on steroids, whips, and proper racing shoes should be immediately instituted.

5) Nationwide funding mechanisms must be instituted to: ensure the RMTTC’s continued beneficial research and recommendations, including development of additional post-race tests for illegal drugs; consolidate the country’s 18 laboratories used for post-race testing into one or two “superlabs” with capabilities and resources to conduct testing for all prohibited substances; pay for enforcement of drug penalties, including legal costs associated with appeals.

6) The study of racetrack surfaces must continue to determine if synthetic surfaces actually reduce instances of catastrophic injury in thoroughbreds as compared to well-maintained dirt surfaces.

7) Rules should be instituted to hold veterinarians accountable in drug offenses as well as the trainers who employ them.

8) The U.S. should convene a summit with other major racing countries to develop regulations that could extend the careers of top racehorses, i.e., a rule requiring all sires or broodmares to be at least 5 years of age to conceive a registered thoroughbred racehorse.

Ms. SCHAKOWSKY. Mr. Hancock.

STATEMENT OF ARTHUR HANCOCK, PRESIDENT, STONE FARM, PARIS, KENTUCKY

Mr. HANCOCK. Good morning, Madam Chairwoman Schakowsky, and Ranking Member Whitfield and members of the subcommittee. I am a fourth-generation horseman, and I have children who are interested in this way of life, and I hope to protect it for them, and that is why I am here.

There are many wonderful aspects about the horse business: the beautiful farms, the rich tradition, the pageantry, the excitement of competition, the thrill of victory. But there are many negatives in the industry that I am concerned about, such as inbreeding, overbreeding, oversupply, operations on young foals which are not required to be divulged, bribing at auctions, and other issues which we need to fix ourselves. But my primary worry and the main issue

which concerns me is the complete lack of uniformity on many issues, specifically the permissive medication policies that vary from State to State and the catastrophic result that this medication is wreaking upon our industry.

There are 38 racing jurisdictions in the United States, and they all have their own rules. As you know from recent stories in the news, use of steroids is rampant, and the rules governing its use vary from State to State.

So why are we in this situation, and how can it be remedied? What is this thoroughbred industry? It is a conglomeration of different entities, each of which has its own function as well as its own agenda. They are the breeders, the owners, the veterinarians, the trainers, the jockeys, the racetracks, and all of their affiliated organizations. It is a mega agribusiness worth billions of dollars that employs thousands of people who are represented by all of these separate and different entities. There is TOBA, the Jockey Club, the Jockey's Guild, the NTRA, the Breeder's Cup, the American Horse Council, the AAEP, the HBPA, the RCI, and the racing commissions of 38 different States. They are like fiefdoms, and they each have their own Nero-like CEO who envisions himself as the savior of racing and usually doesn't even own a horse.

As I see it, the real problem with the thoroughbred industry is that nobody is in charge. We are a rudderless ship, and the way we are going, we will all end up on the rocks. It is impossible for us to govern and regulate ourselves. We are simply too fragmented and too diverse. Not one of these groups has the power to bring uniformity and integrity to our sport. In my opinion, only the Federal Racing Commission or Commissioner can save us from ourselves.

Congressman Ed Whitfield of Kentucky says that the Horse-racing Act of 1978 is a vehicle through which we may remedy this situation. Each State can be controlled by the Federal Government, because if the State does not comply with the rules, the racing signal can be cut off. For instance, if there is a Federal ban on steroids, and the State does not comply, it would lose its signal.

I have said for years that we must remove drugs from our game. In 1960, horses made 11.3 starts a year; last year they made 6.31 starts. This is a drop of 44 percent, and it is a startling statistic which shows that the breed is becoming softer and weaker. This leads one to the inescapable conclusion that there will be more frequent and more severe catastrophic injuries in the future, and that these will do us irreparable harm irregardless of the track's surface. It is a vicious cycle. Chemical horses produce chemical babies. Performance-enhancing drugs must be banned if we are going to survive as an industry and if thoroughbreds are going to survive as a robust breed. Believe me, we are in peril.

I am reminded of a story. There was once a large, fine house, and a lot of mice lived in there, and they had lots of cheeses, but the owner got a cat, and the mice didn't know what to do. Somebody made the brilliant suggestion that they put a bell on the cat, and they thought that was a great idea. Oh, good, we will put a bell on the cat. Then somebody came up and said, one of the mice said, but who is going to be the one to put the bell on the cat?

This is our dilemma, ladies and gentlemen. We have no one to put the bell on the cat. It is impossible for us. The fiefdoms cannot come together, and yet they will violently object to the prospect of any infringements upon their domains. Our only hope is the Federal Racing Commissioner or Commission, and I have said this since 1990.

In the early 1980s, Senator Mathias of Maryland spoke to the Jockey Club Roundtable in Saratoga and warned us to clean up our act, or the government would do it for us. The industry mobilized, went to Washington and said we would do it ourselves, and the results speak for themselves. That was 28 years and hundreds of committee meetings ago, and things have gotten worse, not better. It never happened and never will unless you mandate through the Horseracing Act that we have the means to bell the cat.

Professional basketball, what would it be without a commissioner, without the NBA, or professional football without the NFL, or baseball without a commissioner?

Mr. RUSH. Mr. Hancock, your time is expired, so if you could just wrap it up.

Mr. HANCOCK. OK. Let me just close with a point Winston Churchill wrote. He said:

“Who is in charge of the clattering train,
The carriages creak and the couplets strain.
And the pace is fast and the points are near,
But sleep has deadened the driver’s ear.
And the whistle shrieks through the night in vain,
For death is in charge of the clattering train.”

Ladies and gentlemen, death is not in charge of our business yet, but he is on board. Please give us an engineer. Thank you very much.

Ms. SCHAKOWSKY. Thank you.

[The prepared statement of Mr. Hancock follows:]

STATEMENT OF ARTHUR HANCOCK

Good morning, honored Members of Congress.

I am here before you because I am gravely concerned about the future of the Thoroughbred industry. I am a fourth generation breeder and owner and I also have children who are interested in this way of life.

There are many wonderful aspects about the horse business—the tradition, the pageantry, the competition, and the thrill of victory—but there are many negatives in the industry that I am concerned about such as inbreeding, over breeding, oversupply, operations on young foals which are not required to be divulged, bribing at auctions, and other issues which we have the means, if not the desire, to rectify. But my primary worry and the main issue which concerns me is the complete lack of uniformity on many issues; specifically, the permissive medication policies that vary from state to state, and the catastrophic results that this medication is wreaking upon our industry.

There are 38 racing jurisdictions in the United States and they all have their own rules. As you know from recent stories in the news, use of steroids is rampant and also varies from State to State.

So, why are we in this situation, and how can it be remedied? What is this Thoroughbred industry? It is a conglomeration of different entities, each of which has its own function as well as its own agenda. There are the breeders, the owners, the veterinarians, the trainers, the jockeys, the race tracks, and all of their affiliated organizations. It is a mega agri-business worth billions of dollars that employs thousands of people who are represented by these separate entities. There is T.O.B.A. (Thoroughbred Owners and Breeders Association), The Jockey Club, the Jockey’s Guild, the N.T.R.A. (National Thoroughbred Racing Association), the Breeders’ Cup,

the American Horse Council, the A.A.E.P (American Association of Equine Practitioners), the H.B.P.A (Horsemen's Benevolent Protective Association), the R.C.I. (Racing Commissioners International), and the racing commissions of 38 different racing jurisdictions. All of these fiefdoms have their own Nero-like CEOs, each of whom envisions himself as the savior of racing and most of whom don't even own a horse.

As I see it, the real problem with the Thoroughbred industry is that nobody is in charge. We are a rudderless ship, and the way we are going, we will end up on the rocks. It is impossible for us to govern and regulate ourselves. We are too fragmented and too diverse. In my opinion, only a Federal racing commission or commissioner can save us from ourselves.

Congressman Whitfield of Kentucky says that the Horse Racing Act of 1978 is the vehicle through which we can remedy the situation. Each state can be controlled by the Federal Government because if it does not comply with the rules, its racing signal can be cut off. For instance, if there is a Federal ban on steroids and a state does not comply, it would lose its signal.

I have said for years that we must remove drugs from our game. In 1960, horses made 11.3 starts per year and in 2007 they made 6.31 starts per year. This is a dramatic drop of 44% and is a startling statistic which shows that the breed is becoming softer and weaker. This leads one to the inescapable conclusion that there will be more frequent and severe catastrophic injuries in the future. These will do us irreparable harm. It is a vicious cycle. Chemical horses produce chemical babies. Drugs must be banned if we are going to survive as an industry and if thoroughbreds are going to survive as a robust breed. Believe me, we are in peril.

I am reminded of a story. There was once a large fine house wherein lived a number of mice. There were plenty of scraps of fine cheeses, breads and cakes, and the mice flourished. Then the owner decided to get a cat and this cat wreaked havoc on the mice and their comfortable lifestyle. All of the mice convened in an effort to find a solution to this life-threatening problem, and they decided to put a bell on the cat. This was considered to be a wonderful idea and was hailed throughout mousedom. Then one of the mice said, "But who will be the one to put the bell on the cat?"

That is our dilemma: we have no one to put the bell on the cat. It is impossible for us, and we cannot do it. Our only hope is a federal racing commissioner or commission, and I said this publicly in 1990.

In the early eighties, Senator Mathias of Maryland spoke to The Jockey Club Round Table in Saratoga and warned us to clean up our act or the government would do it for us. The industry mobilized and went to Washington and said it would do it...and the results speak for themselves. That was twenty eight years and hundreds of committee meetings ago. It never happened and will not happen in another 28 years unless you mandate through the Horseracing Act of 1978 that we have the means to bell the cat. Where would car racing be without NASCAR, professional basketball without the NBA, professional football without the NFL and AFL, or baseball without a commissioner?

Some years ago, baseball had a problem with steroids and because of a federal inquiry it has now cleaned up its act, yet baseball has a commissioner.

So, why can't we do something about the drug situation on our own? The answer is, there is big money behind these drugs and there is a lot of pressure to continue with the status quo. When I worked at the race track in 1966, the only time the veterinarian came to the barn was to check the horse on race day or if he was sick. Now, they are there every day, and veterinary bills for owners can run over \$1,000.00 a month on a single horse. Last year, I told a veterinarian that I did not want my horses to get any medication unless they were sick and he replied, "You want to win races, don't you Arthur?"

Now I don't mean to say that all race track veterinarians are bad people and I don't in any way mean to disparage them. I respect them. The drugs they give a horse are for the most part legal, although there are some who will use the masking power of legal drugs to mask other more sinister and illegal substances. For instance, cobra venom was recently discovered in the possession of a trainer and it was given to him by his veterinarian. If evil can exist, it will. If evil is permitted, it will prevail. America, by the way, is the only nation on this planet which permits the use of most of these medications. Steroids are banned in every other country.

The drug issue is destroying public confidence as well as the breed. People wonder why we haven't had a Triple Crown winner since the seventies. Well, when a horse gets Lasix in the Kentucky Derby and loses 30 to 40 pounds and the same thing happens in the Preakness 2 weeks later, how can he be at full strength for the Belmont where he gets it again; all of this in the span of 5 weeks, and Lasix is not

the only drug the horse gets. He may get steroids and many other drugs, like butazolidin.

So, I am convinced and terrified that we are losing our industry, the public confidence, and the American breed called the Thoroughbred. The horse is the star. He is our show, and look what we are doing to him. Please help us right these wrongs. Let us remember that the definition of insanity is repeating the same behavior over and over again expecting different results. Let us have zero tolerance and a national lab for testing. Any expense to create integrity and save the breed would be cheap. Ben Johnson said that nothing can be great unless it is right. Please help us make horse racing right and great again. The very survival of our industry is at stake here, ladies and gentlemen.

I would like to close with a poem written by the late Winston Churchill.

“Who is in charge of the clattering train,
The carriages creak and couplets strain,
And the pace is fast and the points are near,
But sleep has deadened the driver’s ear.
And the whistle shrieks through the night in vain,
For death is in charge of the clattering train.”

Thank you for listening to me. Your time and efforts are deeply appreciated and it has been a privilege and honor for me to appear before you.

Thank you, and good day.

Mr. SCHAKOWSKY. Mr. Jackson.

STATEMENT OF JESS STONESTREET JACKSON, STONESTREET FARM, GEYSERVILLE, CALIFORNIA

Mr. JACKSON. Chairwoman Schakowsky, Ranking Member Whitfield, members of the committee, as you know, I am an advocate for reform, probably one of the more outspoken, and the best of the advocates for reform are sitting here at this table. I commend you on your wisdom in choosing to open the dialogue and deal with the problem.

I am Jess Jackson, proprietor of a winery called Kendall Jackson, but more recently returned to thoroughbred racing. I own Stonestreet Farms, with farms in Kentucky, Florida, and California. I have stables. One of the 60 horses we are training and running right now is Curlin, the world champion. I am very proud of him. Curlin represents a horse that can run without drugs, not that he didn’t in the past, but we changed that, and when he went to Dubai, he won without drugs. Dubai does not tolerate drugs.

We appreciate the opportunity, my family, to address you today. I am an eighth-generation horseman. My great-great-grandfather ran the King Ranch after Captain King died in Texas. I have been around horses since I was 6 years old, and I saw Sea Biscuit run when I was 9 years old. I have seen a lot. I was one of the voices to oppose Bute when it came in in the 1950s and 1960s.

The vast majority of the people in our business are honest, hard-working and wish that the change in the industry would happen. They have no leadership. None. Mr. Hancock explained that to you. We have so many diverse, disparate princedoms and fiefdoms in the industry that we can’t organize. If you raise a point on one industry, somebody else will oppose it.

I believe that in Congress, if you raise amendments or bring leadership, you will have opposition from parts of the industry. That always happens. We always say we can do it ourselves. We always say we can plan. We need to study it more. We are experts at delay. We never get it done. We need leadership and help.

Your concerns are very well founded. I believe we need Congress to take an active role in two specific areas immediately. First, on drugs: ban them. For centuries horses ran without drugs. Drugs are not needed to run thoroughbred horses. The competition between trainers, when one is convinced by a veterinarian to enhance the performance of his horse, the others want to have a fair chance against that competition, and so it is like a plague, it spreads.

We have to also discipline the veterinarians who supply the drugs. Why do we arrest the user and discipline him with a slap on the hand when the real problem comes from the seller?

We have to deal with it bluntly. I am against drugs. We need uniform standards. We need new laboratories to test. And we need zero tolerance of drugs.

Again, for centuries, horses ran without drugs. We don't need Lasix. We don't need Bute. We certainly don't need steroids or enhancers. We don't even need coffee. The horse can run.

And he runs naturally. He wants to run. That magnificent animal lives to run. Just watch a young foal in the field about sundown when he is getting ready for bed. The last thing he does is run madly around the entire pasture.

Drugs mask other drugs. Don't think that an aspirin might not mask another designer drug. It can; we don't know. We can't keep up our science with enough advancement to answer all of the designer drugs that they are creating out there for humans as well as horses.

And the ethics of dealing with an animal shows the ethics of the human. We need to have ethics, honesty, and trust in this industry.

My second point is that Congress should eliminate two words in the Interstate Horse Racing Act. As presently written, the IHA provides that a host racing association must have an agreement with the, quote, "horsemen's group," which is defined as the group which represents the majority of owners and trainers. Take out those two words, "and trainers."

The trainers work for owners. Jockeys work for owners. The horse is owned by the owners. The owners are the lifeblood of the industry. Why give the power to an agent to commit the owners?

Ms. SCHAKOWSKY. Let me just call to your attention your time is up. So if you could wrap up, we would appreciate it.

Mr. JACKSON. All right, well, OK.

The IHA needs to be amended; it truly does. The trainer is under the thumb of the track, to get his gait, to get his stall, to get his stable. He is not the qualified agent for the owners. We need a national organization to represent the owners like any number of other—ASCAP, for instance, to deal with all of the various tracks.

And let the owners—if you take those two out, the owners will unite themselves. You won't need a bureaucracy to run it. The TLC in California, the horse group in Ohio, Florida, Texas, New York, they will come together. They fear antitrust action, and you might pay attention to that as well. But the point is that they will voluntarily cure all these problems and organize if you just let them and take away the fear that, if they do organize, they are going to be litigated. That is a serious concern.

We need to fix the broken economic model. But the industry can do that if you adjust that.

Now, you need to study breeding and other issues. It is a very serious thing. We have inbred impurities. We concentrate speed instead of the upper body. We look for an Arnold Schwarzenegger's upper body and then we look for Don Knotts's legs and knees. We don't need all of the inbreeding we have. We need outcrossing. I go to Argentina to buy horses, I go to Germany to buy horses, because they have stronger bones and better knees.

And we need a league and a commissioner.

I will wrap it up: it is a tragedy these issues are before you today. None of these ideas are new. We have been debating them for almost my entire life; I am 78 years old. We need action. Please, Congress, help us.

Thank you.

[The prepared statement of Mr. Jackson follows:]

STATEMENT OF JESS STONESTREET JACKSON

SUMMARY

Thank you for the opportunity to testify today. I welcome congressional help and there are two areas that require immediate action: first, a broken business model must be fixed and second, drug use and other safety standards need to be addressed.

These problems have common root causes: The lack of a national and responsible horse owners' organization; the lack of transparency in industry practices; the lack of uniform standards; and most importantly, the lack of accountability and enforceability. All of which can be corrected by an effective horse owners' organization. It is clear to me that most of the industry's present ills stem from the fact that we are a national, or international, sport, that has no competent central regulating body or federal authority mandating uniformity in the United States. While one or more of the present organizations may, with the best of intentions, "study" various issues, few have the authority and none enforce uniform national standards. Some of these issues have been studied, as with the banning of performance altering drugs, for decades without action. As this Committee properly senses, we need less STUDYING and more DOING.

While I do not favor more federal regulation or bureaucracy, I do think that a carefully crafted charter, or other vehicle, for a federal horse racing association (representing horse owners) is urgently needed to ensure better treatment for the horses and enhance the revenues for both the tracks and the horse and improve the integrity and safety of the sport.

TESTIMONY

Chairwoman Schakowsky, Ranking Member Whitfield and Members of the Subcommittee, good morning. My name is Jess Jackson. I am here today because of my lifelong passion for the sport of thoroughbred racing and breeding and my role as a relative newcomer to thoroughbred ownership. My life experiences include many vocations. I was a law enforcement officer, a practicing attorney, and a member for the Center for Democracy. I am also the founder of Kendall-Jackson Winery. At heart, I am a farmer.

I appreciate the opportunity to address you today on matters of importance concerning the sport and business of thoroughbred racing. While we are all deeply saddened that the tragic injuries to horses such as Barbaro and Eight Belles may be the impetus for this hearing, I believe most owners of horses nationwide, including a large silent majority connected to thoroughbreds, are very encouraged that Congress is holding this hearing today. We need Congress to take an active interest in assuring the integrity, safety, and economic viability of this magnificent sport.

My passion for horses and the sport of horse racing dates back more than seven decades. As a boy growing up in California, I had the privilege to watch Seabiscuit—one of the most popular thoroughbreds of all time—run in a race not too far from my home. That memory has stayed with me all these years, and helped forge a strong affection for horses and a deep appreciation of their beauty, power, elegance, and athleticism.

I am a life-long fan of thoroughbred racing. Through hard work and perhaps a fair dose of good luck, I have found myself in a position to pursue my passion for thoroughbred horses as more than just a fan. I am 78 years old. I had hopes to ease into my retirement but instead, a few years ago, my family and I returned to raising and racing horses which led to the establishment of Stonestreet Stables. I wanted to join and participate in a great agriculture industry whose vast majority are honest, hardworking people producing what was and can again be a top sport and entertainment industry.

Today, Stonestreet Farm owns over 100 broodmares and their foals, and our Stonestreet Stables currently races and trains 60 or so thoroughbred horses. Among them is Curlin, in whom we own an 80% interest. Curlin is an amazing horse. In 2007 he was Horse of the Year, placed in all the Triple Crown races and won the Breeders Cup. He won the Dubai World Cup in March and is ranked as the number one thoroughbred in the world. This past weekend, at Churchill Downs, he raced to first place to the applause of thousands of spectators.

The Committee's concern about the health and welfare of thoroughbred horses, as well as the overall status of the horse racing industry, is very well-founded. As excited as my family is about getting into the thoroughbred racing arena, and about the enormous success of Curlin, our enthusiasm has been tempered by the realization that the sport of thoroughbred breeding and racing faces serious challenges that imperil its future in America.

There are two areas that require immediate action: first, a broken business model and second, drug use and other safety standards.

A BROKEN BUSINESS MODEL

A Commissioner and a horse owner-based governing body are urgently needed. It is the only way to fix the industry's broken business model. The absence of a legitimate national governing body with federally-sanctioned authority to make and enforce consistent rules, regulations and standards is desperately needed. Correspondingly, we need Congress' support to amend the Interstate Horseracing Act (IHA) in order to immediately permit those who are the real investors, the real parties in interest, race horse owners, to organize. For instance, the thoroughbred horse owners provide all the capital for the horses that race, but are unable to organize for fear of anti-trust litigation. An immediate example is the lawsuit filed by Churchill Downs against the Kentucky and Florida horse owners' groups. If permitted to organize through their respective state thoroughbred owners groups, private non-federal entities, and participate in and help make the complex business decisions in today's marketplace, revised integrity and economic models would soon be enacted nationally. To show the economic advantages of such amendments to the IHA I have attached to my testimony an article by Fred Pope entitled, "Change the Law—Engage Racehorse Owners." In this article, Mr. Pope describes in detail the economic plight of the thoroughbred racing industry. In pertinent contrast, The Jockey Club in England is an effective private organization that sets the rules and enforces them. In the United States, our Jockey Club acts as a mere registry of birth and ownership transfer. If horse racing is to regain the immense popularity it historically proved, we, the horse owners, must be permitted to organize and to have a league of our own. While such a league may be either private or public, to succeed it is clear that we will need your help—the right to organize safely from spurious anti-trust litigation. And as thoroughbred owners we must be permitted to participate at the negotiations between the tracks, the off track betting industry and the TV betting media (advance deposit wagering or ADWs).

In the absence of a healthy new economic model, the most promising source of return on a horse owner's investment increasingly comes from breeding their horses. Current estimates are that horse owners in racing invest over \$4.3 billion a year for the chance to compete for approximately \$1.1 billion in purses. The result is that most horses' racing careers are geared toward maximizing, at all costs, the horses' early retirement potential for a successful breeding career, and not continuation of racing. In practical terms it means we are racing juvenile horses too soon and racing 2-year-old horses before their bones and joints are fully developed should end. Moreover, racing 2- and 3-year-olds can result in serious career ending injuries as witnessed on national TV with Barbaro, Eight Belles and others. There is every incentive to compress horses' racing careers, racing them to young and retiring them too soon, in order to get them to stud sooner and avoid the risk of breakdown. I join with others including many prominent and successful trainers who urge that horses be barred from racing until they are much older.

When we decided to race Curlin as a 4-year-old, it astounded many in the industry that we would put aside a year's breeding revenue of about 15 million dollars,

an amount far greater than we could earn on the track, run the risk of loss or injury from racing and incur the multi-million dollar cost of insuring Curlin for racing. But my family and I wanted to give the industry a boost and share Curlin's speed, brilliance and stamina with the fans. In defining Curlin we personally risk his serious injury and even his death. Since making that decision, we have been overwhelmed with congratulations and support from fans and owners around the world. Curlin continues to earn his legacy as an American champion for the ages, bringing pride and good will both to the industry and our country, both here and abroad. Most importantly, his stamina, power, durability, and speed have proven the value of racing stronger and more experienced horses, and (so far) has validated our decision. His ultimate impacts may be to propagate his DNA through his progeny for a sturdier breed and serve as an example for racing older horses.

The fans are important to me and to the industry. Let's look at racing for a moment from their point of view. Purses have dwindled to the point where fewer owners enter their horses in any but the most lucrative venues. With the advent of off-track betting and fewer horses racing and smaller gates and purses, many tracks do not have the financial resources to maintain much less expand their facilities, which results in a less enjoyable and less friendly family and social experience for spectators. Contrast this to Hollywood or Del Mar in the days of Bing Crosby.

We need an open and frank dialogue about the gaming side of our sport. While betting exists in all sports, there is no doubt that it has corroded our industry more than others. If you go to any track in America today, the front and the back of the house are in deteriorating conditions. Why? Because off-track betting is getting more money than the tracks themselves which in turn prevents the tracks from becoming state of the art facilities both for the horses and the fans. (See Mr. Pope's article). It is also a disincentive for tracks to put on an entertaining live show for its spectators. Even if they could afford to do it, why should host tracks spend money on live racing or greater purses when the lion's share of gaming revenue is diverted from the tracks and horses who put on the show (and risk their capital) to mostly benefit off-track revenue which does little to enhance track or horse revenue. Last year, racehorse owners lost out on about \$540 million purse accounts due to off-track wages. That is double the amount of annual prize money on the Professional Golf Association (PGA) tour. I personally admire the PGA and the Association of Tennis Professionals (ATP) as private models which uphold both the integrity and financial viability of their respective sports and their participants. We need a better business model and we need it now. Horseracing may not survive without one.

THE HORSE INDUSTRY'S DRUG AND SAFETY PROBLEMS

a. We Must Ban Improper Use of Drugs

Speaking bluntly, the horse industry has a drug problem. We must replace the existing patchwork of state standards with a uniform national standard that is in accord with international, ZERO-TOLERANCE rules. Congress should start by banning steroids immediately, at any level, for horses in competition. Lasix and Bute should be banned as well—now—and should have been banned 50 years ago. These drugs mask pain and, worse, may mask designer drugs including hormones and steroids, all of which should be banned if they affect the track performance or physical appearances of a horse at public auction or private sale. The very fact that there is a debate about steroid use in the Triple Crown, regardless of the merits, is damaging to, and casts a shadow over racing. If one veterinarian (prospering from its sale) convinces one trainer to use a drug other trainers may feel compelled to do likewise in order maintain a "level playing field." But does the horse have a say? It is essential to conform to international standards and ban these drugs now for other than true medicinal use. No horse entering racing should have one iota or trace of artificial steroids, hormones, or drugs.

Medication testing must be centralized and independent, possibly using the USADA (United States Anti-Doping Agency) model. Infractions must be adjudicated swiftly and decisively. Punishments must be severe, predictable and uniform. Currently, most violations go to state-run administrative law proceedings which can take years to resolve. It is unbelievable to me that trainers who have been permanently barred in other international racing venues are merely "suspended" for 3 months in the United States for illegal drug use, such as Cobra venom!

b. We Must Make Racing Safer For Horses

The state of the breed is not what it used to be. To put it in simple terms, the industry focuses excessively on breeding horses for early, brilliant speed at relatively short distances. Today, too many breeders end up producing heavily conformed upper body muscled horses with relatively fragile legs (Barbaro) and feet (Big Brown). The current structure of the graded stakes races in the United States

encourages breeding this type of horse, and indeed practically demands it. We can improve the breed by mandating transparency in medical histories, revising the racing calendar and understanding track surfaces' effect on equine health.

Due to the absence of transparency about the frequency and cause of racing related injuries as well as the lack of consistent access to medical records, conscientious breeders do not have sufficient information available to make fully informed breeding decisions. The careers of racing horses are too short to provide much of a racing history on which to base predictions of the performance of their offspring. All contributing to the weakening of the breed.

The larger problem is that obtaining accurate medical records for horses is extremely difficult. Most jurisdictions do not adequately regulate medical record keeping for horses and in some states (including California) medical records belong to the person who paid the veterinarian and are not available to the new buyer/owner. Worse, an uninformed buyer may race a horse with an increased risk of injury or death. Just as Google is moving to establish a confidential, centralized, online database for human medical records, so should there be a repository of accurate horse medical records and ownership. Also, maintenance of accurate medical and ownership records available to the industry and all its prospective owners and breeders of the horses during both sale and racing is essential. Through ownership records the physical and medical history of equine can be verified. True ownership records also would help prevent fraud occurring at auctions and private sales where wrongdoers can falsify bids and documents of a horse's prior sale and medical histories. It is important at sale to provide a potential purchaser with an accurate picture of the horse and to disclose potential health problems. For example, chronic steroid use, in addition to creating health risks to horses, can cause irreparable fertility damage, and is certainly information that is material to a high dollar stallion purchase deal and his fertility performance as a stallion.

Similarly, the racing calendar needs to be revised in the best interest of the horse and coordinated across tracks and states. A national racing commissioner could do this. A league of racing could restore excitement and marketing to this noble sport. One option is have the Triple Crown spread out with the Kentucky Derby on the first Saturday in May, the Preakness the first Saturday in June, and the Belmont the first Saturday in July. This will promote rivalries, give the horses more rest and recovery time between races and allow for a better approach towards marketing the sport. The Triple Crown is, rightfully, a difficult achievement and I am not advocating that the path be made easier simply because we have not had a Triple Crown winner in decades. However, as the Triple Crown currently stands, these magnificent "too young" horses must overcome the gauntlet-like nature of the grueling schedule rather than the level of competition.

We also need to place the emphasis back on the competition between more mature older horses to reduce juvenile injuries, breakdowns, and catastrophic deaths. Accordingly the Triple Crown races could be limited to 4-year-olds. Today these races effectively mark the end of the viable racing career of high-value successful, but young race horses. Looking at the schedule of graded stakes, there are relatively few races for horses older than 3 years and the disparity in earning potential between what 4-year-olds and older horses can make at the racetrack and what they may earn in the breeding sheds generally forces most horses into retirement at or before the end of their third year of age. Curlin and other 4 year and older horses are having trouble finding sufficient races in which to run in the U.S. and must go overseas for races with purses three to ten times higher than current purses in the United States.

Moving the age of the participants up to 4 would permit horses to develop at a more reasonable pace before being pointed towards the Triple Crown and allow for more seasoning and conditioning. The result would be stronger, healthier and, more skilled equine athletes. This will have the additional effect of lengthening the racing careers—and starts—for almost all thoroughbreds, which then gives a prospective breeder more information about the soundness, ability, strengths and weaknesses in a given horse or bloodline which would tend to help breeder's avoid inbreeding genetic defects thus strengthening the breed.

As it stands now, the racing careers of sire prospects are so short that it is difficult to reasonably predict the long term genetic characteristics of their prospective progeny. I am told a famous, old time breeder long ago said he would not breed a horse less than 4-years-old and had not run at least fifteen races. In the last thirty years the total number of races a typical thoroughbred runs before retirement has been reduced from over twenty to about six.

Finally, we need to better understand the effect of track surfaces on race horses. While we are in favor of whatever track is safest for horse and rider, we are also wary that by focusing on developing safer track surfaces we may ignore that we now

have a less durable breed. We must do both: study race surfaces and improve durability genetics. The thoroughbred has raced on dirt and grass for centuries. Is the current lack of stamina and bone due to historic racing surfaces or more likely to weak inbreeding for speed? We have handsome upper bodies but fragile legs. Both bone and sinew have degraded. We should focus on the cause (breeding weakness) not merely a racing surface. The root problem should be fixed—breed more durable horses.

CONCLUSION

All of all these problems have common root causes: the lack of a responsible horse owners' national organization; the lack of transparency in industry practices; the lack of uniform standards; and, most importantly, the lack of accountability and enforceability can all be corrected by an effective horse owners' organization. Through that new founded organization, horse owners must change a poor business model eliminate "drugs and thugs" and restore safety. It is clear to me that most of the industry's present ills stem from the fact that we are a national, or international, sport, that has no competent central regulating body or federal authority mandating uniformity in the United States. Individual states each have their own regulations that differ, and there are multiple and inept trade groups currently existing that represent limited elements of the industry, mostly the breeders, (the sellers) not the owners (the buyers). But unlike every other major sport, we have no organization or entity that effectively regulates and markets the sport. While one or more of the present organizations may, with the best of intentions, "study" various issues, few have the authority and none enforce uniform national standards. Some of these issues have been studied, as with the banning of performance altering drugs, for decades without action. As this Committee properly senses, we need less STUDYING and more DOING.

I do not favor more federal regulation or bureaucracy. Where possible, I do think that a carefully crafted amendment to charter a federal horse racing association (representing horse owners) is urgently needed to ensure better treatment for the horses and enhance the revenues for both the tracks and the horse and improve the integrity and safety of the sport. A national organization would also overcome the most common objection to reform at the state level—namely, that reform in any one state will simply drive owners, breeders and business to other more lenient state jurisdictions.

If we are to restore thoroughbred racing to its longstanding position as a cherished national pastime, we must start by protecting the health and dignity of the wonderful athletes that delight and thrill us all. Establishing a meaningful governing body with authority to set and enforce standards in the interest of all stakeholders is the best way to accomplish this most worthy goal. We must also return the sport to our buyers (the owners of the horse) and to our racing fans (our ultimate entertainment consumers). As in any sport the both the participants and the fans are the backbone of the industry. And in the end, if we can accomplish these noble objectives, we will have properly honored the great legacies of true heroes such as Man o' War and Seabiscuit.

Thank you for the honor and the opportunity to testify today.

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CHANGE THE LAW—ENGAGE RACEHORSE OWNERS

AMENDING THE INTERSTATE HORSERACING ACT WILL ENGAGE RACEHORSE OWNERS

BY FRED A. POPE

REVISED JUNE 12, 2008

In the Kentucky Derby, the brave filly Eight Belles became classic-placed and then a few minutes later was put down on national television. Every breakdown hurts, however the Kentucky Derby is different. Throughout the world not just racing fans, but families, gather around televisions on the first Saturday in May. It is Thoroughbred racing's opportunity to connect. It is the special day.

In my opinion, racing dodged a bullet on Derby day because had the filly gone down a few seconds earlier, under urging at full speed, we would have faced a problem on a different level. Horrific images of such a spill would have been burned into

the memories of millions of people watching live and then replayed again and again. The risk is there every time the race is run.

In 1987, Alysheba's near fall in the stretch of the Derby raised the question: "How can we make Thoroughbred racing strong enough to withstand such a disastrous event?"

Whether working on a political campaign or a brand of peanut butter, that's how marketing people think because we know bad things happen and you either build an image strong enough to handle it, or risk having your product disappear.

The safety issue is being addressed; but, it isn't the reason our sport is in crisis and fixing it will not provide the answer to how can we make racing strong enough to insure its future.

THE PUBLIC GETS IT

In the blame game, the industry knows the Derby breakdown is complicated. But the public takes a more direct view. The public knows racehorse owners are to blame. It is the racehorse owners' game and they are responsible for their horses. That's the way the world works. The public gets it.

The problem is racehorse owners don't get it. Racehorse owners, against all reason, have given control of their sport over to the tracks and seem to take no responsibility for what happens to it. You can own a racehorse and your only responsibility is to pay the bills.

We have a long list of national organizations, but nowhere among them is a national Racehorse Owners Association (ROA). Several national organizations say they speak for racehorse owners, however those organizations are actually controlled by breeders, tracks or trainers. It seems everyone in our industry wants to speak for racehorse owners, except racehorse owners.

While there many stakeholders in the Thoroughbred industry, the racing segment has only two stakeholders: racehorse owners and track owners.

Sports' marketing is successful when the players, or owners of the talent, acquire the rights of the facilities where they play, then package and present the sport to the public.

Every sport operates that way except ours. In Thoroughbred racing, the owners of the talent (racehorse owners) give away their rights to the facility (racetrack) where they race.

It is the structural flaw that dooms the sport. When people complain there is no one in charge, how could there be someone in charge? Think about it.

At one time, the golf courses controlled professional golf tournaments. The golf courses jerked the players around the country for low purses and low attendance. Then the professional golfers engaged, pooled their rights and adopted the major league model for the PGA Tour. The PGA Tour then acquired the image rights of the golf courses and today it packages and presents a great schedule for high purses and high attendance. If, God forbid, a golf shot killed a person in one of their events, the PGA Tour will be strong enough to survive it.

As many of you know, I am a proponent of racehorse owners forming a major league like the PGA Tour. Yes, a major league would do the things everyone wants for the sport of Thoroughbred racing. It would have someone in charge. It would have all rights pooled into the proven business model. It would grow the sport and make it strong. However, until that happens, there is an urgent need to engage racehorse owners right now.

HOW CAN WE ENGAGE RACEHORSE OWNERS?

Racehorse owners' purse money is a good place to start. This year about \$540 million is leaking out of purse accounts that are funded by off-track wagers. To put that amount of money into perspective, \$540 million is twice the money in all stakes races in North America. It is also double the annual prize money on the PGA Tour. A change in the off-track business model is needed now to stop this money from leaking out and racehorse owners must engage to change it.

The fastest way to get racehorse owners to engage in the business is to change one word in the Interstate Horseracing Act (IHA) into two words. Currently under the law, simulcast approval requires "horsemen", which are defined in the law as owners and trainers. Changing from the term "horsemen" to "racehorse owners" with no definition required will immediately engage racehorse owners in their own sport.

When interstate simulcasting started in 1978, the approval of "horsemen" at the host track and at the receiving track was a pretty basic decision. Today, off-track distribution is a sophisticated business venturing far beyond the borders of tracks.

It is doubtful anyone is going to say trainers are better than racehorse owners to make the complex business decisions needed today.

A simple amendment to the IHA will engage racehorse owners, some might say bring them kicking and screaming, into the business of Thoroughbred racing. It is the racehorse owners' game and they have both the right and the responsibility for simulcast approval.

SIMULCASTING CHANGED THE BUSINESS MODEL OF RACING

The business model for pari-mutuel wagering started with a deal between the two stakeholders: the tracks and the racehorse owners. With each stakeholder having a significant investment in putting on the show, they agreed to a 50-50 split of the after tax takeout from wagers. The 50-50 split of on-track wagers netted and equal 8% into the purse account and 8% to the host track putting on the show.

The business model for on-track wagers has stayed the same; however, simulcasting changed the business model for off-track wagers. Simulcasting has grown from nothing to where about 90% of all racing handle is made off-track today.

Each year as the percentage of handle from off-track wagering increases, the percentage of off-track wagers going into purses has decreased from 8% to about 4% today. Those 4 percentage points matter.

Why is this \$540 million (4% of \$13.5 billion) in off-track wagering leaking out of Thoroughbred purses? The culprit is an insane business scheme that the small tracks and resident horsemen devised, giving the lion's share of the money (18%) to "where the bet is made", instead of "where the show is produced" (3%).

A direct analogy to this off-track model would be if a convenience store took the lion's share of a lottery ticket sale because the store punched in the numbers and sold the ticket.

In the real world, the Lottery organization pays the convenience stores only 5% for punching in the numbers and taking the Lottery "bet". (YouBet.com has said they can make a profit with just 5% of the off-track wager.) If racehorse owners change to a business model where the bet takers receive 5% for taking off-track wagers, there will be little or no leakage of racehorse owners' purse money.

Before simulcasting, each track lived and died based upon its ability to put on a good show and attract a large crowd of bettors. The transient racehorse owners were drawn to the tracks with rich purses derived from the 50-50 split from wagers. The bigger markets delivered high attendance and with the high purses they offered, the largest number of people got to see the best horses race. It is a business model that makes sense and it worked well for the sport.

The introduction of simulcasting in 1978 could have taken Thoroughbred racing to the next level by dramatically increasing distribution of our best racing products. Purses at the tracks putting on the show in our biggest markets would have soared to heights unimaginable today. That's the way the world works and it could have worked that way for Thoroughbred racing.

When simulcasting started, "where the bet was made" was either at a host track or a receiving track. The receiving tracks and horsemen seemed to have the philosophy "we own our customers and if they are going to bet on races at other tracks, we are going to get the lion's share from their bets". While that was true in the beginning, the Internet and mobile technology has shown us no one owns the consumer today. Consumers today are free and mobile.

There is a need to pay taxes to the state where the bet is made and just like purchases made on the Internet, we can continue paying the state their tax on the bet. All the while, we can be changing to an off-track business model that gives the lion's share "where the show is produced".

"WHERE THE BET IS MADE" IS KILLING THE SPORT

The tracks and horsemen are so addicted to the large margin they make on imported races (about 18%, versus the 3% going to the host track) that it has blinded them to the amount leaking out of the sport through other bet takers. The only way to bring change is for racehorse owners to engage in the business and establish a new off-track model that will allow the host track to make a profit and ensure a fair amount goes into purses.

It isn't just the money, it is the most basic question for racehorse owners: Are we in the business of putting on a racing show, or are we in the business of making money on someone else's show? Trying to have it both ways isn't working.

Racehorse owners, by not engaging, have put the tracks into the position of planning for a future where there is no incentive to grow live racing and the sport. The current incentive is for the tracks to convert into facilities where the live racing

show is subservient to betting on other racetracks' races and other gambling, i.e. the new Gulfstream Park.

Today, one of the tracks benefiting the most from "where the bet is made" is Keeneland, with only 30 days of live racing, but 11 months of taking the lion's share from imported races. This allows their limited live race days to benefit with large purses, but as much as we like Keeneland racing, is that what we want? Do we want our national sport to be downsized to a few weeks of festival racing?

Keeneland is not to blame for the off-track business model and they have tried many times to raise the off-track price on their quality races. But, as we dig deeper into this mess, it is clear that the current model rewards the tracks with the least live racing.

I favor a Major League structure within the sport of Thoroughbred racing. However, we also need a strong program of minor league racing, a feeder-system if you will. We need to continue having 35,000 foals born each year to give us the best 6,000 to race at the highest level.

Legal gambling makes lower levels of Thoroughbred racing economically viable, but the lower levels are not viable as a sport. Every sport has found they need a major league structure to package and present the highest level of their sport as the beacon that connects with the public.

BREEDERS SHOULD URGE RACEHORSE OWNERS TO ENGAGE

Although commercial breeders are not one of the two stakeholders in the racing segment, they have great interest in the sport. Breeders should be very concerned about the \$540 million dollars leaking out of purses, because racehorse owners wanting to purchase new racing prospects could reinvest a good percentage of that money. Today, none of the money leaking out of purses is being reinvested in horses.

With the incentives for the tracks changing away from live racing, inevitably tracks will discontinue live racing. They can make more money taking bets on other tracks races, so the live sport will become more and more regional.

We still have great facilities in our major markets and it is vitally important to restore a business model that will allow them to not just survive, but to prosper.

At this year's Belmont Stakes, the once-a-year crowd of 94,000 people overwhelmed the water system. In America's biggest market, a track built to handle large attendance has been brought to its knees by the current off-track model. Restoring a business model that favors "where the show is produced" will restore our major tracks and the sport.

Giving the majority to "where the bet is made" is a distribution model gone crazy and it has done its damage in just twenty-five years. It has allowed gimmicks such as "source market fees", to leak purse money when there is no track in the state where the bet is made. As tracks start closing, more and more of the erroneous "source market fees" will be leaked from purses. "Source market fees" must be stopped and the term "source market" should once again come to mean the source of the live racing show.

If a state such as New Jersey has passed legislation that prohibits paying a host track in another state more than 3%, then the racehorse owners should not approve their races being sent into that state until such laws are changed.

Gross handle means nothing to racehorse owners and the sport if those wagers are not contributing enough to put on the live racing show. By instituting a fair off-track business model, racing could see the annual gross handle drop from \$15 billion to \$12 billion, and still have more money going to support purses and host tracks. Isn't that what is important?

HOW DID THIS HAPPEN?

Just after simulcasting started, a war developed between the big tracks that were "net exporters" of races and the small tracks that were "net importers". The net importers were those tracks making more net money from their customers wagers on races "imported" from other tracks, than they were making from the bets made off-track on their exported live races.

The big "net exporters" were tracks in New York and California. Those were the tracks with high purses and high attendance benefiting from large population centers.

Soon the insane business model giving the lion's share to "where the bet was made" brought the California and New York tracks to their knees. Purses dropped, horses left, and attendance fell off at our major tracks. Suddenly, the world was upside down and with racehorse owners on the sidelines, there was no one to correct the problem.

Racing's business model was changing and the small tracks and the new gambling "racinos" started pulling horses away from our major markets to remote rural facilities, such as Iowa and West Virginia. The little guys were winning and our most successful host tracks were losing. The problem is when the best tracks in the major markets are losing; the national sport of Thoroughbred racing is losing. No one seemed to care.

In 1992, I wrote an article called "Whose Game Is It?" and for a time racehorse owners started to engage. Later that year, Ed Friendly resigned from the California HBPA Board and with Mace Segal and other friends started Thoroughbred Owners of California (TOC). Soon they successfully changed California law to mandate TOC as the rightful organization to represent racehorse owners for simulcast approval. Funding was provided for the HBPA to continue their role with backstretch issues.

The following year, Don Rudder and friends started Thoroughbred Owners of Florida (TOF) to do the same thing in that state. Just when it looked like we were going to engage racehorse owners, a strange thing happened. Commercial breeders in Florida and Kentucky convinced the leading racehorse owners who had signed up to start the TOF, to quit and as quick as it started, that was the end of the racehorse owners' movement. No other state racehorse owners' organizations were started.

The TOC represents every racehorse owner who starts a horse in California and they have done a fine job, however the TOC is powerless to change the current business model alone. The Interstate Horseracing Act (IHA) empowers and requires approval from the horsemen at receiving tracks in other states and they looked at California as the enemy.

By amending the IHA to rightfully empower racehorse owners across the country by law, we can avoid the state-by-state turf battles between breeders, trainers and racehorse owners. The structure in California is a good model. Each group—racehorse owners, tracks, trainers, jockeys and breeders—have a distinct organization. In other words, when they sit down to do business, they are not wearing more than one hat in California.

Today, with the current off-track business model, it has evolved to where there are no more "net exporting" tracks. Think about what that means to our sport. With the host track receiving only half (one-and-a-half of the three percent) from off-track wagers, incentives to put on a good live show are gone. The host tracks cannot even afford to market their own races, so declining attendance at live racing and declining interest in the sport should not be a surprise.

The consumer research I have seen shows that the majority of the generation born since simulcasting started in 1978 does not have a favorable opinion of Thoroughbred racing.

We are losing the majority of a generation because we do not have a structure to protect and grow the sport.

Is it any wonder the tracks and horsemen are at each other's throats? They are literally picking at the bones and trying to establish new businesses to go after the \$540 million leaking out of racing because of the insane model of the lion's share going to "where the bet is made".

Currently the horsemen's groups are fighting with account wagering companies to start putting more into purses. But, the amount they are asking from account wagers (\$30 to \$40 million) pales in comparison to the \$540 million leaking from the system because of the basic problem of "where the bet is made". Unfortunately, the horsemen have no appetite to change from the business model that favors "where the bet is made". The original simulcast business model was a form of welfare for the small tracks that got out of hand.

How can we stop leaking \$540 million this year and assure a fair amount of all wagers on a host track's races go into its purse account? We simply change the off-track business model from a buyers' market over to a sellers' market, where the lion's share will go to the host track and racehorse owners putting on the show.

By engaging racehorse owners, we will start to have businessmen and businesswomen who understand the business model of the past twenty-five years is wrong. The host track and racehorse owners must control their product and its distribution. That is one of the most basic principals of business.

A BETTER BUSINESS MODEL

If racehorse owners develop a two-tier pricing model at the host track, we can continue a favored distribution system through other racetracks, while closing the leakage that occurs with other bet takers, such as account wagering companies and outlets with no live racing. Every phase of the distribution system must start contributing a fair amount to producing the show.

The first tier could be changing to an off-track model similar to the one the Breeders' Cup uses, where half of the takeout goes to the host track and the other half to the receiving track. That should keep about 8% in purse accounts when tracks trade signals.

The second tier-pricing model for other bet takers should start with a license fee of close to 8% going into purses at the host track. Exotic wagers have increased the total takeout to about 21% today, thus with a 5% commission paid to the off-track bet takers, the host track would receive about 8% for its role in putting on the show.

So, with about 8% going into purses, regardless of whether the bets were made on-track or off-track, each track will be on a level playing field for the first time. That's the model we should have had in place from the beginning. It is a model we can have in place soon.

When this change occurs, we may lose some distribution as off-track buyers adjust. If some current outlets are lost along the way, technology will allow bettors to continue wagering with the host tracks.

Why do you need 8% going to purses? Say you project the off-track handle on one day at the host track will be \$5 million. That would deliver \$400,000 to purses. Combining that with projected on-track handle of say \$500,000 at 8% (\$40,000), the purse account would get \$440,000, or enough for 9 races averaging \$40,000 each. Not bad, but less than it costs for racehorse owners to keep the horses in the game.

Under the current model, the purse account would only get 1 1/2 % of that \$5 million in off-track handle on its races, or \$75,000, plus the on-track contribution of \$40,000, for a total of \$115,000. Then the purse account and host track would be dependent on whatever came in from bets on other tracks' races. The track and racehorse owners do not have control over their own destiny under the current off-track model.

THE INCENTIVE TO PRODUCE A GOOD SHOW

What happens if the host track starts producing a good show? In a model where the host track purse account would get a fair 8% from the off-track handle on its races, if the host track can put on and market a good show and the off-track handle goes up to \$10 million, then the purse account would get \$800,000. Combining that \$800,000 with \$40,000 from on-track, would give you \$840,000, or 9 races averaging \$93,333. That's the incentive needed for putting on a good show. In addition, the host track and purse account would get 3 to 4% of wagers made on imported races.

Also, under the current off-track pricing model there is no incentive for the host track to market its races. Currently, the host track has more incentive to market other tracks' races to their simulcast customers, than to market their own races. Not surprisingly, there are a lot of people scrambling to come up with a new business to go after the \$540 million being leaked out of purses.

Who will lose when the leaking is stopped? The only people who will lose when the off-track business model is changed are those not involved in live racing. If any entity involved in live racing loses under the change, then they were doing something they should not have been doing. TrackNet, a joint venture of Churchill Downs and Magna Entertainment, wants the account wagering companies (ADW's) it owns to pay 7% to host tracks (3% to purses), then a wild mix of "source market fees" and 2% to 3% of handle to the television company they own. For areas of the country without a track nearby, all the rest of the money goes to TrackNet. That means the purse account at the host track would only get 3%, but their "partner" host track could get upwards of 15%. That doesn't seem to fit the agreed upon split of 50-50 does it?

Churchill Downs and Magna Entertainment own the television company, HRTV, jointly. They want it funded by a percentage of handle, 2 to 3%. Under such a model, HRTV would either be underpaid or overpaid. Television production is a fixed expense and should be paid a set amount. It would be good for the host tracks to sit down with their partners, the racehorse owners, and agree on the value of television production and how it can be funded properly to grow the business and the sport. It is not good business to fund television production with a percentage of handle.

If racehorse owners will engage now in the business side of running the sport, we can then hope it will spill over into other issues like safety of the participants and a host of other issues. With a national racehorse owners' organization, they can decide how best to protect and grow the sport at every level. It's their game.

Over the years, I have commissioned a great deal of consumer research on Thoroughbred racing. I can assure everyone there is a clear path for Thoroughbred racing to restore itself as a successful, national sport. But, it cannot be done without putting in place a business model that provides an incentive to put on the live rac-

ing show. The process starts when racehorse owners engage, fix this obvious problem and take responsibility for their game.

The nature of an action sport like Thoroughbred racing means bad things are going to happen from time to time. We need to make our sport strong enough to overcome problems.

I like the word “engage” as it applies to racehorse owners. It brings to mind the movie Top Gun. The crisis in the movie came when the lead character, Maverick, would not engage to protect his partner and his lack of commitment was putting his carrier ship in danger. When Maverick overcame his fears, took responsibility and engaged, his partner was saved, the ship was saved and the story had a happy ending. We need some racehorse owners with a little maverick in them to engage now and save the sport of Thoroughbred racing.

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Ms. SCHAKOWSKY. Thank you.

We are going to move to the question period. And be assured that many of you all will have an opportunity to expand on your remarks during that time.

I am going to first ask 5 minutes of questions.

I am going to do just a quick “yes” or “no” throughout the entire panel to make sure we have it clearly on the record. Do you believe horse racing should be governed by a central body similar to the National Football League or the Professional Golfers Association or similar to the way horse racing is governed by a central body in Great Britain?

Let’s start with Mr. Marzelli.

Mr. MARZELLI. Industry-led, yes. Federally, Federal oversight, no.

Ms. SCHAKOWSKY. That is a good division, too. You can say that. Mr. Shapiro?

Mr. SHAPIRO. I absolutely believe that there needs to be a central governance body.

Ms. SCHAKOWSKY. Mr. Van Berg?

Mr. VAN BERG. I believe the same thing. There needs to be a central governing body to make them all alike.

Ms. SCHAKOWSKY. Mr. Moss?

Mr. MOSS. Yes.

Ms. SCHAKOWSKY. Mr. Hancock?

Mr. HANCOCK. Yes.

Ms. SCHAKOWSKY. And Mr. Jackson?

Mr. JACKSON. Yes, but I think you ought to give industry a chance, and if they don’t step up, you better step in.

Ms. SCHAKOWSKY. Do you believe that the benefits of the Interstate Horse Racing Act should be conditioned, as was mentioned earlier, on racing jurisdictions adopting strict, well-understood medication and drug guidelines, stiff penalties? I guess we are really talking about simulcast.

Mr. MARZELLI. No.

Mr. SHAPIRO. As a last resort, yes.

Mr. VAN BERG. I believe yes, with no medication whatsoever. Zero.

Mr. MOSS. As an outside observer looking into the industry, I can’t think of any other stick that would work. So my answer would be a conditional yes.

Mr. HANCOCK. Yes, ma’am. I think that is the only thing we can do to get it right.

Mr. JACKSON. I am a firm yes, unless something happens quickly by the industry.

Ms. SCHAKOWSKY. Do you believe breeding should be regulated in the United States the way it is in other racing jurisdictions overseas, Mr. Marzelli?

Mr. MARZELLI. I am not sure I understand the question.

Ms. SCHAKOWSKY. In Germany they regulate how breeding is conducted, et cetera.

Mr. MARZELLI. There is not one—

Ms. SCHAKOWSKY. For soundness.

Mr. MARZELLI. I am sorry to not give a yes or no, but there is not one of the 64 recognized stud books that imposes restrictions. Germany has incentives, the way many of our States have breeders incentives. So I guess the answer would be I still am not sure of the question.

Ms. SCHAKOWSKY. OK, you know what? I am going to move on then, if that question is somewhat unclear.

Let me ask this. Should all performance-enhancing drugs, including steroids, all of them be eliminated?

Mr. MARZELLI. Yes.

Mr. SHAPIRO. Without question, yes.

Mr. VAN BERG. Yes.

Mr. MOSS. Not just performance-enhancing drugs, all drugs, period. Yes.

Mr. HANCOCK. Yes.

Mr. JACKSON. Yes, a firm yes, including anything that alters the appearance of a horse at a sale, as well.

Ms. SCHAKOWSKY. OK.

Mr. Marzelli, I wanted to ask you, you heard very clearly from Mr. Hancock and Mr. Jackson and all the rest concerns about whether or not the current regimen is really capable of making the kinds of changes that are needed. And yet you expressed a certain confidence that the new safety committee that says that certain drugs anyway should be eliminated would be swiftly adopted.

What I hear from the body of the rest of the testimony is that these kinds of efforts have been unsuccessful in the past. Why do you think it would succeed this time?

Mr. MARZELLI. Well, for starters, I am an optimist. And if you are not, in this business, you need to find something else to do.

Ms. SCHAKOWSKY. Based on?

Mr. MARZELLI. I am just an optimist at heart.

We certainly make it difficult on ourselves. The 38 jurisdictions in which we have to go to to achieve uniformity is not efficient. There is no question of that. But I guess it was about 20 years ago when Rupert Murdoch bought the Daily Racing Forum from Walter Annenberg, the industry got very, very concerned, certainly not at the magnitude we are concerned with now.

Nobody said the industry could achieve what we have achieved today—that is, an industry-owned database of racing information, resting that control away from what was then a 90-year-old third-party publisher monopoly. We did that; we got industry consensus to achieve it. And today the Daily Racing Forum is not only Equibase's biggest customer, but they operate in a virtual enterprise with us.

I would like to think we are at that same kind of crossroads today. I have seen a lot of support for our recommendations, not only since Tuesday but since we announced the formation of this committee. And I would like to see if we are able to get those—

Ms. SCHAKOWSKY. I am sympathizing right now with the witnesses because I have run out of time. And so I will ask Mr. Whitfield.

Mr. WHITFIELD. Thank you.

And thank you all for your testimony. We appreciate that very much.

Mr. Marzelli, back in 1980, legislation was introduced at the Federal level to create uniform drug rule. And the industry came to Congress. Senator Mathias and Senator Pryor of Arkansas induced it. And the industry came and said, "It is not necessary. We can adopt a uniform rule." We are 28 years later, and it still has not been done.

Now, the question I have for you is this. You all formed a committee after Eight Belles went down, which was commendable. And I read the other day, as you mentioned, you all have come down with certain recommendations: banning steroids, toe grabs and so forth, and something relating to the whip.

My question is, do you have the power to put this into effect around the country?

Mr. MARZELLI. No. We have the power of persuasion and consensus-building.

Mr. WHITFIELD. And I think that your record would reflect that you do not have even that power. We are 28 years later, and still very little progress has been made. Now, I know that they talk about there is a uniform rule adopted by various jurisdictions in the 38, but each one of those rules is different. And I notice in Louisiana, for example, they adopted a uniform rule and then the legislature reversed it down there.

So I would suggest that I think it has been clearly demonstrated over all these years that The Jockey Club, the NTRA do not have the authority. I mean, the NTRA is a marketing agent. You can do all you want to about consensus and so forth.

But the question I would have for you is, if we can use the Interstate Horse Racing Act, which provides this industry with the revenue that it needs, 90 percent of the revenue—and the industry asked for it—and if we can set minimum standards that would make it mandatory that jurisdictions ban steroids, ban toe grabs, it is accomplishing what you want, why would you oppose that?

Mr. MARZELLI. I would like to see the industry regulate itself.

Mr. WHITFIELD. Now, Mr. Van Berg, you are a hall-of-fame trainer. It is my understanding that you won more races than any living trainer. Is that correct?

Mr. VAN BERG. That is correct.

Is this on now?

Ms. SCHAKOWSKY. Yes.

Mr. WHITFIELD. Is drug use as widespread as it appears to be?

Mr. VAN BERG. I will put it mildly or put it to the point: It is like chemical warfare. I will just put it straight out to you. It has got, as far as I am concerned, plum out of hand.

Mr. WHITFIELD. Why are people using these drugs? I mean, if a horse can run on natural ability, why would they be pumping them up with all of these drugs?

Mr. VAN BERG. Why do these people that have been in the Olympics, now finding out that they used steroids, they used EPO, which is an enhancer for your blood to build your blood up and those things, and they are finding out now, and they are taking their medals away from them.

I have an article I showed the rest of them about this girl that was the fastest girl in the country, that admitted finally now she was on EPO and steroids and what it did to her as far as the female part. And, in the horse business, you know, it is like keeping up with the McCoys.

Mr. WHITFIELD. And if a horse on its own natural ability has a pain, he's not going to run, but if he can shoot something in there—

Mr. VAN BERG. They can overcome that. And it is the same as Clenbuterol.

Mr. WHITFIELD. Mr. Jackson—this time gets to us, doesn't it?

Ms. SCHAKOWSKY. Right.

Mr. WHITFIELD. Mr. Jackson, I read your testimony, and you had included an article written by Fred Pope—

Mr. JACKSON. Yes.

Mr. WHITFIELD [continuing]. And about amending the Interstate Horse Racing Act. Here is the question I want to ask you: when the HBPA comes and testifies in Congress, they say that they represent all the owners and all the trainers. And I would like to ask you—

Mr. JACKSON. When who comes in?

Mr. WHITFIELD. The HBPA. Do you pay any dues to the HBPA?

Mr. JACKSON. Not that I am aware of.

Mr. WHITFIELD. Mr. Hancock, do you play any dues to the HBPA?

Mr. HANCOCK. No.

Mr. WHITFIELD. Well, the reason that they are designated in the Interstate Horse Racing Act, they are the ones that primarily wrote the Interstate Horse Racing Act, and that is how they became designated as the ones that approved the simulcast contract.

Mr. JACKSON. A lot of organizations, Representative Whitfield, pretend to represent the owners, and they don't.

Mr. WHITFIELD. Who are the stakeholders in racing today?

Mr. JACKSON. The owners. We pour \$4 billion a year, over \$4 billion, \$4.3 billion, into the industry for racing and training horses, and we get \$1.1 billion back. The owners are the lifeblood of the industry, the new people coming in. But what happens is the organizations maintain control in their fiefdom and we can't alter the change.

Mr. WHITFIELD. So the owners and the racetracks are the real stakeholders, I am assuming?

Mr. JACKSON. Well, actually, central Kentucky breeders and the racetracks are the primary voices that exclude the owners and the horse itself.

Mr. WHITFIELD. OK.

I guess my time has expired.

Ms. SCHAKOWSKY. Mr. Stearns?

Mr. STEARNS. Thank you, Madam Chairwoman.

Well, I can see why Mr. Dutrow perhaps didn't show up. This is a staggering amount of information to hear from you folks.

Steroids in horse racing is widespread—Mr. Shapiro. We even heard that Mr. Jackson says he doesn't want to buy horses in Florida or any other State in the Union because there is so much inbreeding. So he goes to Argentina and Germany to buy horses and not the United States. That is a telling comment, I would think. And I would think, Mr. Marzelli, that that would be a very disturbing comment, that there is so much inbreeding in the United States that he doesn't feel comfortable, with all of his experience in horse racing.

So my question for you is, the Jockey Club places all sorts of restrictions on thoroughbreds in order to qualify to be registered. For instance, your organization lists extensive rules on how a horse can be named. Isn't that true?

Mr. MARZELLI. That is true, subsequent to registration.

Mr. STEARNS. You also won't register a horse that was a product of artificial insemination. Is that true?

Mr. MARZELLI. True.

Mr. STEARNS. Why won't your organization put similar rules for sound breeding principles in place?

Mr. MARZELLI. Because we believe they would be selective and arbitrary.

Mr. STEARNS. And the fact that Mr. Jackson says he won't even buy a horse in the United States, doesn't that concern you? Wouldn't you think would have to put some sound breeding principles in place?

Mr. MARZELLI. It concerns me that Mr. Jackson says that, but the fact is that the number of exports that left North America in the last 5 years have increased by 27 percent. There is still a great demand for a North American bloodlines around the world.

Mr. STEARNS. Mr. Jackson, you are welcome to reply.

Mr. JACKSON. The Jockey Club is a fiefdom, one of the many. And it does a good job of making recommendations; it has no power to execute those recommendations. We need a national organization with the strength of the owners backed to get any change.

Mr. STEARNS. Mr. Moss, you indicated that there are 38 racing commissions and they are all Nero-like CEOs. I think that was your statement. Is that correct?

Mr. MOSS. Yes, sir.

Mr. STEARNS. Is The Jockey Club one of those Nero-like organizations?

Mr. MOSS. Well, I am a member of The Jockey Club, and it is great for what it does, but it has no way to control the rest of the industry. None of us do, none of these fiefdoms.

Mr. STEARNS. So it is not his fault; he just doesn't have the authority.

Mr. MOSS. That is right. That is right.

Mr. STEARNS. He has responsibility with no authority.

Mr. HANCOCK. That is right, yes, sir.

Mr. STEARNS. Mr. Marzelli, why not put some hard and fast rules on only 4-by-4 inbreeding, on only horses that have never been on steroids?

Mr. MARZELLI. Once again, we are a member of the International Stud Book Committee, and we subscribe to the international definition of the "thoroughbred," which does not impose selective and arbitrary measures or attributes in what constitutes a thoroughbred.

If we impose selective and arbitrary attributes, we not only would open ourselves up to criticism that we were being selective, but we would prohibit or restrict trade around the world, because our definition of a thoroughbred would differ from the rest of the world.

Mr. STEARNS. Well, our drug rules differ, don't they?

Mr. MARZELLI. The drug rules differ on track. And I am not a fan of them, by the way.

Mr. STEARNS. OK.

Mr. MARZELLI. And I take a lot of heat when I travel internationally about them.

Mr. STEARNS. Mr. Jackson mentioned that the Interstate Horse Act, if we just changed two words, "and trainer," that would go a long way. Do all of you agree with what he said?

Is that correct, what you said?

Mr. JACKSON. Basically, yes. Although I am not pretending to give the Congress words.

Mr. STEARNS. No, no. I would say to the witnesses that there probably will be a bill after the second hearing, and this bill will probably, might even be sunset to help you get started with a national horse racing commission. I had a bill to do this with the boxing commission, and I had it sunset. It was my bill in the House and Senator McCain in the Senate. And it was defeated on the House floor. It passed overwhelmingly in the subcommittee and the full committee, but it was defeated in the House. But I would suspect that some kind of bill that perhaps would sunset would help you get started on this.

But my question is, and ask each of you if you agree with Mr. Jackson, just deleting the words "and trainer" as a step for this committee is a good idea.

Mr. MARZELLI. I would like to see the text before I comment.

Mr. STEARNS. All he is saying is delete two words.

Mr. MARZELLI. Which are?

Mr. STEARNS. "And trainer" from the act.

Mr. MARZELLI. I—

Mr. STEARNS. I guess you are not familiar enough with it.

Mr. MARZELLI. No.

Mr. WHITFIELD. Instead of "horsemen's group," it would say "horse owner."

Mr. STEARNS. Yes, good point.

Mr. SHAPIRO. I appreciate Mr. Jackson's perspective, but I think it is really superfluous to what the act needs to be revised to really make fundamental change and create central governance, which I believe is the goal of what Mr. Jackson and what all of us believe. And, therefore, I think—

Mr. STEARNS. We are all struggling to understand your issue, and we are asking for your help on what to do. So if you don't know,

you can say you don't know. So I am just asking if you agree with him.

Mr. SHAPIRO. I don't know that I agree with that particular part, but we are certainly late in getting out of the starting gate to create a central body of governance, which this industry sorely needs.

Mr. STEARNS. OK.

Quickly, Mr. Van Berg?

Mr. VAN BERG. I would say I don't know that much about it, but I think that, as far as you are talking about the breeding and stuff, you need a central governor.

And if you stop all medications, zero of anything, that will eliminate the unsound horses themselves. They will eliminate themselves. I don't think you can sit here and talk toe grabs and what-not. You need to eliminate the medication, zero. The unsoundness of horses will eliminate themselves and make your racetracks deep enough where speed is not the thing.

Mr. STEARNS. Mr. Moss?

Mr. MOSS. I seldom pass up a chance to give an opinion, but, in this particular situation, I am not that familiar with the subtle nuances of the language of the Interstate Horse Racing Act. So I would have to give you an "I don't know" there.

Mr. STEARNS. Mr. Hancock?

Mr. HANCOCK. Yes, sir. Well, I think the Army needs a general. I mean, we have a lot of great organizations, but, as I say, they are scattered and not organized and oppose one another. And so I just think the Army needs a general. Does that answer your question?

Mr. STEARNS. Sort of.

I yield back my time.

Mr. JACKSON. On that one point, I just wanted to eliminate the impression that just that would be all we might be asking.

Mr. STEARNS. No, no, but as a start.

Mr. JACKSON. Yes, as a start, I think it will encourage or embolden the owners to organize and bring their respective States together to a national organization. And then if it didn't, then I think Congress should—

Mr. STEARNS. Yeah, give the owners the authority they need.

Thank you, Chairwoman.

Ms. SCHAKOWSKY. There are four votes right now that the members are going to have to go down to the floor for. We will resume right after that.

I am not going to be able, I don't think, to come back until later, so someone else will be in the Chair. But I want to thank all the witnesses. And please wait, and we will complete this round of questioning.

Thank you very much.

[Recess.]

Ms. SCHAKOWSKY. If everyone could take their seats so we can resume.

We will resume the questioning now with Mr. Pitts.

Mr. PITTS. Thank you, Madam Chairman.

Mr. Marzelli, in your testimony, you talk about the importance of uniform rules, both domestically and internationally, with regard

to breeding. Do you believe that a uniform set of rules should also govern the use of medications?

Mr. MARZELLI. Yes.

Mr. PITTS. Should there be a ban on steroids and other medications? If so, which ones?

Mr. MARZELLI. We are moving to a ban on anabolic steroids. Eleven of 38 States have already put in place regulations to ban those steroids on race day. And we hope that the remaining jurisdiction will do so by the end of the year.

Mr. PITTS. In March, Curlin won the Dubai World Cup in the United Arab Emirates, but there are different rules that govern the sport there. Does The Jockey Club have a position on this inconsistency? If other countries can have zero tolerance, what is holding us back from adopting the same stance?

Mr. MARZELLI. The Jockey Club has a long history of being anti-medication. We have engaged ourselves in a number of industry initiatives, from the racing medication testing program, the quality assurance program, the Equine Drug Research Institute. And in every one of those industry organizations, we have advocated a strong—I wouldn't go so far as to say a "hay, oats and water" mentality, but a as-close-to-zero-tolerance-as-possible mentality, distinguishing between performance-enhancing and therapeutic.

Mr. PITTS. So what is the difference between banning race-day medications and banning steroids during training? Would there be a difference in approach to training situations?

Mr. MARZELLI. Actually, the recommendation we came out with is an effective ban on race day and training.

Mr. PITTS. Both. OK, thank you.

Mr. Shapiro, in your observations, what do you believe the most fundamental concern is, the pharmacological culture in horse racing today or the breeding practices?

Mr. SHAPIRO. Oh, I think clearly it is the pharmacological issues that are hurting racing. I think that if you were to look at a graph of the number of starts per year of horses dating back to 1960 and you were to then look at when medications that were brought on board for therapeutic uses but used in fact in racing, I think you would see a direct correlation in the downward trend in the number of starts.

I think that the root of the problem today is medication. And my fear is that, as medications are used in the breed and they are being bred into the breed, I think that what they are doing is they are masking infirmities and problems in the breed, and it is being perpetuated as the breeding continues.

So I believe the Number 1 thing is medication. But overriding that is there has to be a central body to regulate it nationally. I am the only regulator here from this particular State. And our problem is that we are disadvantaged in California because we test more. And as we are more vigilant than other States, we are disadvantaged. And we need other States to join with us to rout out medication.

Mr. PITTS. Currently for what violations does the NTRA primarily discipline members, and what are the penalties?

Mr. SHAPIRO. Who are you asking the question to?

Mr. PITTS. You.

Mr. SHAPIRO. Me?

Mr. PITTS. Yes.

Mr. SHAPIRO. I am not aware of the NTRA doling out any penalties. I don't believe it is their job, or I don't believe that they are an enforcement agency. They are an agency to promote the industry and make recommendations, but I am not aware of their having any power to enforce the penalties.

Mr. PITTS. Thank you.

Mr. Van Berg, what kind of strict penalties do you envision? Suspension, a permanent ban, what type?

Mr. VAN BERG. Number one, you have to eliminate the medications, zero tolerance of anything, to eliminate it. That is where you have to start. The unsoundness of horses, they will eliminate themselves if you stop the medication where they can't bring them along.

And then you have to make the penalty where they have to stand up and give them a severe penalty. Nowadays, if they have a bad test, they get a slap on the hand or make a little agreement that they won't have another one, and they just go on with it.

And I think, for the welfare of the animal and the horse-racing industry, they have to be on a level playing field. And you have to have somebody, a commissioner or whatever you need, to enforce the thing throughout all the States.

Mr. PITTS. Do you support the idea of some kind of a national governing body for horse racing?

Mr. VAN BERG. I would support it as a commissioner so everybody has to be on the same level, yes, I support that, with the right kind of commissioner that knows what is going on.

Mr. PITTS. Thank you.

Mr. Moss, in your opinion, is it possible to reform within the NTRA, or do we need a completely new construct?

Mr. MOSS. The NTRA is populated with people who have the best interests of the sport in mind. There are a lot of bright, intelligent people at the helm of the NTRA.

But the problem, as I see it, is that the NTRA and other agencies in thoroughbred racing have no teeth. They have no power to mandate any sort of meaningful changes in thoroughbred racing. And however that is accomplished, that is a path that, in my opinion, thoroughbred racing needs to go down.

Mr. PITTS. In your opinion, what incentives under the current structure do the members of the NTRA have to adopt stricter standards?

Mr. MOSS. I think the public outcry over the Eight Belles incident, following the Barbaro incident, has really created a groundswell of support within the racing industry for change. I mean, keep in mind, as you probably know, this is an industry that has often been allergic to change. That is a positive sign. And I think the NTRA feels that it has a mandate within the industry to try to enact change whenever possible.

But in the end, when you look at the Thoroughbred Safety Committee's recommendations the other day, which were admirable, which were very good, you look at the response of all the industry leaders, they use words like, "we support," "we strongly support," "we urge." There is no requirement, there is no mandate there.

They can only beg and plead, basically, the 38 different State jurisdictions to go along with these recommendation. And that is the problem that thoroughbred racing has, in my opinion.

Ms. SCHAKOWSKY. Mr. Pitts, we are going to do another round.

Mr. PITTS. Thank you. I will yield back.

Ms. SCHAKOWSKY. Mr. Hancock, in your testimony you state that the veterinarians are running the show. Can you explain that?

Mr. HANCOCK. Well, a couple years ago, I was at Keeneland, and I told the veterinarian that I didn't want my horses to get anything unless they were sick. And he said, "Well, Arthur, you want to win races, don't you?" And I said, well, sure. And I got the picture. Other horses are going to be getting anabolic steroids and Lasix and these performance enhancers. And I have my family's business in this, and I can't fight with my hands tied behind my back. So, you know.

The veterinarians, like in Lexington, one of the bigger banks, the biggest accounts up there, the veterinary pharmaceuticals, they convince the trainers, who want to win of course, and then the trainers convince the owners. And I am an owner and I don't want to lose races. So I don't want to be at a disadvantage.

It is just a vicious cycle. But if these drugs were banned, you know, you could eliminate all that.

Ms. SCHAKOWSKY. But the veterinarians are making significant profits from this as well, are they not?

Mr. HANCOCK. Very significant, yes, ma'am. I mean, vet bills can run \$1,000 a month, or I have heard them running \$2,000 a month.

Ms. SCHAKOWSKY. And is that primarily because of the drugs?

Mr. HANCOCK. Sure. I got out of Vanderbilt in 1965, and I worked the racetrack for a year until 1966. And the only time a veterinarian came around the barn was if the horse was sick or they came to check him for race day. And now veterinarians are now at the barns almost every day. I could show you the vet bills. I mean, they run \$700, \$800, \$900, sometimes \$1,700 a month.

Ms. SCHAKOWSKY. Thank you.

Mr. Moss, you come from ESPN and ABC Sports, so can you elaborate on your advocacy for a horse racing league similar to the NFL or PGA? What would that look like?

Mr. MOSS. What would it look like? Well, for starters, whether it be done with Federal mandates or however it be accomplished, it would have to be a regulatory agency with the power, perhaps, to take votes from the various State organizations, whatever, but the power to mandate significant changes for the best interest—

Ms. SCHAKOWSKY. And what kind of sanctions would you envision that would make it possible to enforce such rules?

Mr. MOSS. The only potential sanction that I have heard discussed that would make any sense at all would be the sanction that some of you recommended about simulcasting rights. I can't think of any other stick that is out there that would work.

Ms. SCHAKOWSKY. OK.

Mr. MOSS. Maybe there isn't one.

Ms. SCHAKOWSKY. Does anybody else want to comment on what this national structure would look like?

Yes, Mr. Van Berg?

Mr. VAN BERG. Well, the first and most important thing is to have the testing procedure funded where they can do the most sophisticated testing there is. So each State pays for their own testing. And some of them don't have enough money to test for everything they do, so they have to take some money from the simulcast, which I say there is plenty there for them to use, in a very minute percent, and have the most sophisticated testing there is. That is where you have to start.

And then you have to have a commissioner to start to enforce the rules for each and every State so they are the same. And if somebody doesn't abide by the rules, then they go down the road. And it is just plain and simple, where they can't get a lawyer and take a thing—when you sign for your license, that is what you go by.

But they have to have the testing, because a lot of testings are not right.

Ms. SCHAKOWSKY. And you are suggesting that a funding mechanism for that could be a percentage of the simulcast?

Mr. VAN BERG. I would say, I just know from California, when they took a small, minute percent of the off-track stabling and banning stuff, and it was a very minute percent, and they had an abundance of money for banning the horses, stabling them at the racetracks, paying them to keep the track open and stuff. I just suggested in my testimony that one-eighth of 1 percent would be a lot of money of all the simulcast, but have the best testing procedure there. It is like for the Olympics, they slowed them down and caught them, and made a big difference in them.

Ms. SCHAKOWSKY. Thank you.

I am going to turn it over to Mr. Whitfield.

Mr. WHITFIELD. Thank you.

Mr. MOSS, let me ask you a question. You have been an observer of this industry for 30 years. You have been a reporter; you have followed it very closely.

Given those observations, what, in your view, is the largest obstacle in the industry to go to uniform standards through some minimum standards at the Federal level? Why do some of these groups like The Jockey Club and others object to this so vehemently?

Mr. MOSS. That is a good question. I think there is probably, in a lot of areas, there is a fear of Federal involvement, the fear of a loss of control of their own destiny, of their own sport. I think—

Mr. WHITFIELD. But it is so puzzling because if they make recommendations that we can help institute to accomplish their goal, then why would they object to it?

Mr. MOSS. That is a good question. I mean, I think what we have seen is that the difference—the fragmented way that the sport is being conducted right now is just simply not working.

Mr. WHITFIELD. Mr. Van Berg, I get the impression in the horse-racing industry, unlike most—when people violate the rules and are suspended for drug violations, there is usually some stigma attached to it. Yet, in this industry, an Eclipse Award trainer can be given that award even though he has violated all sorts of rules. Why is that, in this particular industry?

Mr. VAN BERG. Well, because they tolerate it, is the best I can tell you. That is what I am talking about when they give them a slap on the hand and they get one infraction after another and nothing ever happens to them.

And they go along and people come to the racetrack—a young man comes to the racetrack, and he has no reputation, nothing to lose. A young veterinarian comes out of school. And if they can collaborate something that makes the horses do better, the first thing you know, the guy is the leading trainer and the veterinarian has all the business. So it is just a snowballing effect.

Mr. WHITFIELD. I have a letter that a vet wrote to one of his clients who had questioned the vet bill. And the vet stated, “The vet’s job is to work with the trainer to achieve whatever level of risk they desire.” That is quite a statement.

Mr. VAN BERG. I can tell you this much, Mr. Whitfield, that a lot of people with a trainer’s license, the veterinarians are mostly training horses. Because when you ride by the barn, the veterinarian is jogging them go out on the path, looking at them. When you ride back by them, they have their tray out and injecting them or whatever they need to do to them.

And, to me, that is not a good horseman. If you don’t know what is wrong with your horse yourself, you shouldn’t have a trainer’s license.

Mr. WHITFIELD. I am going to go into another area.

Mr. HANCOCK, in your testimony you mentioned that certain foals have surgery and yet, when they go to sale, no one is ever aware of it. Would you elaborate on that a little bit?

Mr. HANCOCK. Yes. If a young foal is crooked, he doesn’t have good conformation, you can have the veterinary procedures done called PEs or they have screws and wires they can put in the knees and things like that. And nobody ever hears about it. I mean, they go to the sale and—

Mr. WHITFIELD. There is no requirement that it be disclosed?

Mr. HANCOCK. No. And I recommended 15 or 20 years ago that that should be put on the registration papers, the foal papers, so we would have transparency.

Mr. WHITFIELD. But that is not required.

Mr. HANCOCK. And it didn’t happen, no. It is money, you know.

Mr. WHITFIELD. Mr. Jackson, I think you or someone testified about the importance of having medical records available for these horses.

Mr. JACKSON. Yes. We certainly are breeders and prospective buyers. In fact, the public itself and certainly the regulatory agencies, if any, and certainly the organization should have a full documentation of the trail of ownership, like you have on a used car, on a horse.

Mr. WHITFIELD. Right.

Mr. JACKSON. And you need the medical records, as well.

I was a member of this Sales Integrity Task Force recently, and I was the only one dissenting. I wanted mandatory records in what is called the depository at an auction, where any prospective buyer could go in and see what medical treatments, what surgeries, what drugs, the whole medical history of a horse, so that they could make an informed decision as to whether that horse had both nat-

ural running skills or breeding potential. I was the only dissenting voice in 40 members of that committee.

Mr. WHITFIELD. Let me ask you another question. How widespread is this problem that you encountered where agents that you hired to buy horses for you were taking kickbacks from breeders that were selling the horse to you?

Mr. JACKSON. It is not as widespread as you might imagine, but it is too prevalent for the few that do it. And the industry hasn't paid as much attention to it as it should.

Just recently, both auction houses, Fasig-Tipton and of course Keeneland, took action to try to solve the problem. But it takes a regulatory body with an investigative arm to ferret out where this happens to process the claims or suspicions or accusations. Then they also have to have a body to adjudicate that. And then they have to have an enforcement mechanism.

The industry hasn't done that. They have taken baby steps instead of giant strides.

Mr. WHITFIELD. Am I correct in saying that you hired an agent to buy horses for you, and the breeders were giving that agent kickbacks if he bought horses from—

Mr. JACKSON. Some breeders, and then other breeders overseas. It even got Byzantine. It went all the way through undisclosed Swiss banks, bank accounts in Belgium and France, certified accountants in Ireland, fictitious LLCs where money was transferred. You couldn't trace back to the owner what the history of a horse had been. And that allows people to be bribed.

Ms. SCHAKOWSKY. Mr. Pitts?

Mr. PITTS. Thank you, Madam Chair.

Mr. HANCOCK, you listed the many different conflicting and overlapping organizations and associations in the industry. In your view, are there particular groups that have been an impediment to reforming the sport?

Mr. HANCOCK. No, sir, I wouldn't say that, except that some of the groups—I think ego has a lot to do with it. They all envision themselves as the saviors of racing each respective group. They have their own CEO of the group and the members. And it is like some good people trying to pull a wagon, but they are all pulling in different directions.

So I wouldn't say there is any particular one, but it is just everybody is pulling in a different direction. The Army has no general. That is the way I see it, sir.

Mr. PITTS. Do you feel that a Federal racing commission of some sort is definitely the way to go? Do you believe that a private-sector organization, similar to the NFL or NBA, could perform this function?

Mr. HANCOCK. No, sir, I don't. I wish that I thought that it could, but I have watched it for too many years. As I say, when Senator Mathias came up there, the industry came to Washington and said that we will get it in order and get it straight. But after hundreds of meetings and 28 years, nothing has happened. And there just doesn't seem to be an urgency.

I think now, since you all have called this hearing, there is more urgency now, I think, than there ever has been. But I still don't

hold any hope, because, as I say, everybody is pulling in a different direction. The train has no engineer. That is my view.

Mr. PITTS. Thank you.

Mr. JACKSON, on the vet bills, your average vet bills, is that per horse each month or for the farm?

Mr. JACKSON. Well, the vet bills have gone—let me say this. Back in the late 1930s, early 1940s, Santa Anita racetrack when Seabiscuit was running had three veterinarians on hire by the track, and they took care of all the horses while there. Now, if you go to Santa Anita, I bet there are 26 vets. The three used to drive Chevrolets. They all drive BMWs and Cadillacs now.

There is a huge impact on racing, and the vet is impacted by convincing the trainers that if they want to win they can get this special thing this time and everybody else is doing it. So we have to stop it, stop it cold, zero tolerance.

Mr. PITTS. What is your average vet bill a month?

Mr. JACKSON. I would guess, because of surgeries, as Mr. Hancock mentioned, wires and screws—I am learning the business. I am re-emerging into—it is like “Alice in Wonderland.” It has changed from the time when I was in it before to where it is now. Now I have bills for knees, special hoofs, special wires, special surgeries, special removal of chips, OCDs. I would guess it is in the \$1,000 to \$5,000 per horse per year. And it could be a lot more. I am talking about surgeries, not medicines or therapeutic medicinal things.

Mr. PITTS. That is in addition.

Mr. JACKSON. In addition. And I am not talking about what they do generally to come out and help the birth of a foal or to make sure a mare is in comfort at foaling.

Mr. PITTS. How do you, Mr. Jackson, suggest the industry or the governing body, if there were one, deal with off-track betting?

Mr. JACKSON. Off-track betting is the money that has mushroomed to be the largest segment of the potential handle, but it is escaping the track and the purse.

The track and the owners have a common interest in elevating what used to be 20 percent, part of that went to the State or the city, maybe 3 or 4 or 5 percent, and they would split 80—8 percent, and the purse was 8 percent of the handle.

Well, now the handle does not include whatever goes offshore. It only includes part, a very reduced percentage, maybe 2 or 3 percent, and it varies, of what goes into computer betting or betting shops in New York or on TV.

You can bet so many ways now, and the fastest growing part of the revenue that is generated by the show, the horse at the track is going, I would say, off and out of the handle. And that percentage that used to be 8 percent, it is distorted now. The horse probably get 3 percent of the total handle. It is off-track.

On-track we still have the same regimen. And there is plenty of money there, please, to fund the veterinary clinics we need, the analysis, the labs. There is plenty of money to fund all the rest of it. We just don't get it. It goes to the good old boy system on the breeding side, or it goes over to the betting parlors, or it gets maneuvered through the State on a disproportionate level.

And why is that? Owners cannot be at the table to negotiate the percentage because the trainers are there. The IHA allows them to be there, and we are absent. We need a commissioner, we need a national organization, so that the owners can have a fairer return on their money.

Mr. PITTS. I think I have time for one more question.

You have suggested that making medical records more accessible would improve transparency and help breeders make better decisions. Are there issues of confidentiality that such a change would implicate? And, if so, how should confidentiality issues be dealt with?

Mr. JACKSON. I think that is a bogus argument. I am proud of the product I produce at Stonestreet. We put a headline on our catalog that we bred that horse and that we stand behind it.

Confidentiality was explained to me by one breeder who argued that against our position in the Sales Integrity Task Force that, "Oh, no, then we would have to tell our employees how much we are making." Oh, boy. That is not an excuse for having an informed buyer and an informed breeder be fully informed in order to make decisions to correct the wrongs that exist in the breeding system and in the racing system.

Mr. PITTS. Thank you.

Thank you, Madam Chair.

Ms. SCHAKOWSKY. I am going to have—it is not all the time that we have these long-time—if we combine all your years in the business, it is probably quite a few. And so Mr. Whitfield has another question, and I am going to go ahead and have him ask it.

Mr. WHITFIELD. Thank you, Madam Chairman.

I am going to approach this from a little bit different perspective, and this won't take long. But there are certainly different levels of racing. There is the Churchill Downs, the Keenelands, the Saratogas, the big stakes races. And then there is racing at other tracks in which there are a lot of \$2,000, \$4,000 claiming races.

And in those tracks, you frequently have horses—not frequently, but you do have horses sometimes who have won in their lifetime \$500,000 or \$600,000 and then end up in \$2,000 claiming races. And when they get down to that level, there is a lot of injection of corticosteroids and other things to keep them running.

And I know there are volunteer organizations out there, like CANTER up in Michigan and in the middle Atlantic States. And their sole mission is to go to the racetracks and try to convince trainers for horses who obviously can't run anymore to let them try to retrain them for other uses. So the trainer, at that point, sometimes they will sell, sometimes they won't sell. Sometimes they will take them and let them go to slaughter.

But I want to say that CANTER, up in Michigan, for example, in 1 year—they raised their money voluntarily; the industry is not paying for any of this—that they spent over \$50,000 on surgeries for horses that they took off of the track. So that is kind of backside, the dirty side, of racing at a very low level.

I know that some breeders like Mr. Hancock and Mr. Jackson and others have established humane equine centers up in Lexington, Kentucky, where they will euthanize horses who have

reached the end of their racing career and they have serious problems and they can't do anything else.

Mr. Marzelli, I would ask you, does The Jockey Club have a foundation or contribute money to organizations like that to take care of these horses running at the lower levels of racing?

Mr. MARZELLI. The Jockey Club has two foundations. It has The Jockey Club Foundation, which takes care of people that have fallen on hard times that have devoted their lives to the track. You mentioned Gary Birzer. I believe you mentioned it, Congressman Whitfield.

Mr. WHITFIELD. I did.

Mr. MARZELLI. We helped him. We were one of the organizations that helped him.

And we also have the Grayson-Jockey Club Research Foundation, which is one of the worldwide leaders in equine research. Our research that we support supports not only thoroughbreds but it supports all breeds.

The Grayson-Jockey Club Research Foundation, together with The Jockey Club, organized the welfare and safety of the racehorse summit that held its first meeting, 40 industry leaders, in 2006. A number of recommendations and good action programs came out of that meeting. And—

Mr. WHITFIELD. Do you provide money to the Humane Equine Center in Lexington or groups like CANTER who are picking these horses up at the track?

Mr. MARZELLI. We believe that every owner is responsible for their horse. And, as the member of the NTRA, we support the NTRA's position on slaughter.

Mr. WHITFIELD. And that is?

Mr. MARZELLI. The NTRA is against slaughter.

Mr. WHITFIELD. OK. OK.

Well, thank you very much, Madam Chairman.

Ms. SCHAKOWSKY. And let me just add, I think it is pretty well-known that Mr. Whitfield and I, for a long time, have been trying to stop the slaughter and export for slaughter of horses. And we are concerned that occasionally a byproduct of the mistreatment of horses in your industry results in just that, the slaughter and the export for slaughter of horses.

So we thank you very much, gentlemen, for your appearing here today and for your testimony.

And I would like to excuse this panel and welcome our second panel of witnesses and invite them to come to the witness table at this time.

And I am going to turn the Chair over. Mr. Hill of Indiana will come to chair this meeting at this time.

Mr. HILL [presiding]. OK. I would like to welcome our second panel of witnesses and once again invite them to come to the witness table at this time. Our witnesses are Lawrence Soma, a veterinarian of New Bolton Center, University of Pennsylvania. Dr. Soma is an equine pharmacologist and thus an expert on the effects of drugs and medications on thoroughbred racehorses.

Sue Stover, a veterinarian at the University of California Davis. Dr. Stover is a specialist on orthopedics and has extensively stud-

ied the cause of breakdowns and other injuries afflicting thoroughbred racehorses. Doctor, it is good to have you with us.

Wayne McIlwraith, a veterinarian at the Colorado State University. Dr. McIlwraith is an orthopedic surgeon and, like Dr. Stover, is an expert on the nature and causes of injuries and breakdowns. Doctor, it is good to have you with us.

Mary Scollay, medical director, Kentucky Horseracing Authority. Dr. Scollay was recently hired in her new position and was formerly the track veterinarian at Calder Racehorse Course in Florida.

Allie Conrad, executive director of Mid-Atlantic CANTER. CANTER adopts thoroughbred racehorses from the track and trains them for new careers in retirement.

And Alex Waldrop, president and CEO of National Thoroughbred Racing Association. Mr. Waldrop testified before the February 27th Senate committee hearing on performance-enhancing drugs in sports. NTRA is an association whose membership includes race-track operators and the Jockey Club.

Once again, ladies and gentlemen, I would like to remind you that your written statements have all been shared with committee members and submitted for the record. If you have opening statements, please take up to no more than 5 minutes for them.

We will begin from my left, your right, with our first witness Lawrence Soma.

**STATEMENT OF LAWRENCE R. SOMA, V.M.D., PROFESSOR,
SCHOOL OF VETERINARY MEDICINE, NEW BOLTON CENTER,
UNIVERSITY OF PENNSYLVANIA**

Dr. SOMA. Mr. Chairman, members of the committee, I am going to discuss two issues today, and that is anabolic steroids and furosemide as it pertains to in the bleeding horse.

The State of Pennsylvania is presently regulating the use of anabolic steroids in racehorses. Pennsylvania began addressing the steroid issue in 2003. The impetus was the common knowledge of their use. At that time we developed analytical methods for detection, quantification and confirmation of injected and naturally occurring steroids in plasma. Those methods were published in 2005 and 2006.

Pennsylvania is currently regulating the use of anabolic steroids by analyzing postcompetition plasma samples. Plasma samples were chosen over urine because of the pharmacological action of any drug. It is generally based on the plasma concentration of the active drug and not its concentration in urine. The complex excretion pattern of steroids makes the analysis of urine more difficult, and in the use of plasma we can screen for the presence of the drug.

We screen for approximately eight or nine anabolic steroids currently, and we allow its quantification; that is, we can tell how much is in there. Analysis of plasma samples from winning horses in 2003 confirmed that 60 percent of the horses racing in Pennsylvania had steroids in them, and some had more than one. That is in our first survey done in 19—I mean, excuse me, 2003.

Anabolic steroids are very slowly eliminated from the body. Because of this problem the racing commission agreed on a transition

period using the plasma concentration of steroids as guideposts. This transition period would allow the horse to compete during this period as the plasma concentration of previously administered steroids decreased.

The average plasma concentration of anabolic steroids has progressively dropped from the month of March, where we started screening all horses running in the State of Pennsylvania, through July 10th. As of July 10th the average concentration is below 100 picograms per milliliter. Now, 100 picograms per milliliter is parts per trillion. In our survey in 2003, we had 2,000 or 3,000 to 4,000 picograms of anabolic steroids or testosterone in some of our horses that are racing. We are now on the way. Just about most of the horses in the State of Pennsylvania are running free of anabolic steroids.

So, in summary, I think we have made considerable progress. We are leveling the playing field as far as anabolic steroids are concerned, and to the best interests of the bettor and the horse.

Now, the second issue is bleeding in the horse, and you have heard of the drug furosemide bandied around or Lasix bandied around numerous times today. In the horse small amounts of blood appear in the nostrils following vigorous exercise, and this has been noted for years. The source of blood is the lung, and this is termed "exercise-induced pulmonary hemorrhage," meaning when the horse exercises vigorously, a small amount of blood is found in the airways, and then it works its way up into the trachea. The mechanism is the rupture of small capillaries, and this is because of the changes in blood pressure that occur in the lung in the horse, which are very high. Pressures of that magnitude, 100 millimeters of mercury or so in us, would produce pulmonary failure.

Furosemide is used as a prerace medication with the expectation of reducing arterial lung pressures, thereby reducing or eliminating bleeding. The reduction in pulmonary pressure, pharmacologically and physiologically produced by furosemide are not of significant magnitude to prevent or markedly reduce bleeding.

The effect of furosemide in EIPH. No studies have shown an absence of blood or a reduction of bleeding in horses diagnosed with EIPH following the administration of furosemide.

The effect of furosemide on racing times. There have been a total of five studies to examine racing times. The largest examined the record of 22,000 horses running in North America. The conclusion from all studies was that horses that were administered furosemide raced faster, earned more money, and were more likely to win or finish in the top three positions than horses that did not.

The detection of drugs in urine. A concern with the administration of furosemide is the dilution of urine produced by the extensive urination and the possible influence this dilution might have on detection of drugs in the urine. This aspect has been minimized as technology has increased. And as you know, if a horse is administered furosemide, it has to run 3 to 4 hours later. So this will minimize the effect on the finding of drugs in urine. But still it is a concern to all laboratories.

In summary, furosemide does not prevent bleeding, improves performance in some horses, can dilute urine to compromise detection

of drugs, and violates the rules of most States that there should be no medication on race day.

Thank you very much.

Mr. HILL. Thank you.

[The prepared statement of Dr. Soma follows:]

Date: June 19, 2008

**Testimony Before: The House of Representatives, Subcommittee on Commerce,
Trade, and Consumer Protection of the Committee on Energy and Commerce,**

Topic: Breeding, Drugs, and Breakdown: The State of Thoroughbred Horse Racing and the
Welfare of Thoroughbred Racehorse

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Regulation of Anabolic Steroids and Androgenic Steroids in Racing Horses
in the State of Pennsylvania

Introduction and Background

Anabolic steroids are synthetic derivatives of the male hormone, testosterone, that have been modified for promoting protein synthesis, muscle growth, alter fat/muscle ratio and increase red blood cell numbers¹. These agents can exert strong effects on the body that may be beneficial for athletic performance². Androgenic steroids, on the other hand, are naturally occurring steroids, such as testosterone and nandrolone, that are produced by the non-castrated male horse (stallions) and estrogen by the female horse. Published information is available on human subjects that suggest improvement in the strength skills following the administration of anabolic steroids³⁻⁷. The lack of well structured double-blind studies have led some to concluded that anabolic steroids do not increase muscle size or strength in males with normal hormonal function and have discounted positive results as unduly influenced by biased expectations of athletes, inferior experimental design, poor data analysis, or at best, inconclusive results^{4,8,9}. On the other hand, the perception of the public and anecdotal information on dramatic changes in athletic performance have led the public to view the administration of anabolic steroids as cheating and enhancing performance beyond the athletes' natural ability. This perception is in all sports, including horse racing, and the administration of anabolic steroids to some horses violates the concept of a level playing field and risks the health and welfare of the horse.

Effects of Anabolic Steroids

Anabolic steroids have been extensively employed in equine racing over the past 25 years. Many practicing veterinarians attest to the gains in physical strength, stamina, and mental attitude when anabolic steroids are used in performance horses that have gone off-feed, and have a "stale" or "sour" attitude. This may be a substitute for more comprehensive veterinary care. Many may feel that the horse may be at a competitive disadvantage and thus, are administered steroids because others in racing do so. The improvement in athletic performance may be the result of change in behavior and aggressiveness more so than any specific effects on the

physiological parameters that affect performance. Behavioral effects following the administration of anabolic and androgenic steroids have been supported by a number of studies. In female horses, the injection of the male hormone, testosterone, eventually caused total suppression of all reproductive activity and the development of stallion-like behavior and aggression¹⁰. Following the administration of anabolic steroids to geldings and mares, components of stallion behavior have been described, characterized by teasing, mounting and aggressive behavior toward other horses¹¹⁻¹³. The administration of testosterone to the gelded horse will dramatically alter its behavior. Current veterinary pharmacology text books do not discuss anabolic steroids from a therapeutic point of view, but only from the legal control aspects¹⁴.

Studies Conducted on Anabolic Steroids in the Commonwealth of Pennsylvania

The impetus for the study of anabolic and androgenic steroids in racing horse in the Commonwealth of Pennsylvania was the common knowledge of their use and the observations by the Commission Veterinarians of pre-race aggressive behavioral problems in many horses coming to the paddock. Analytical methods were developed for the detection, quantification and confirmation of anabolic and androgenic steroids in plasma, and the methods was published in 2005 and 2006^{15,16}. Results from the analysis of plasma samples from winning horses in 2003 confirmed the extensive use of anabolic and androgenic steroids in that better than 60% of the horses racing in PA at that time were competing with a plasma concentration of an anabolic steroid and, in some cases, more than one steroid. The 3 most commonly found steroids in that study were boldenone, stanozolol, and testosterone. Studies were also conducted on the pharmacokinetics (elimination from the body) of 2 of the most commonly used anabolic steroids boldenone and stanozolol¹⁷.

To date, the United States and Canada appear to be the only countries with horse racing that historically have not sanctioned the presence of anabolic steroids in racehorses during competition, compared to European and Asian counterparts that monitor and issue stiff penalties for the use of anabolic steroids in equine athletes. Anabolic steroids were added to the list of controlled substances in 1991 under the Anabolic Steroids Control Act. Certain veterinary products fall under this act and have been reclassified as Schedule III drugs by the Drug Enforcement Agency (DEA). The drugs under the DEA Schedule III include boldenone, mibolerone, stanozolol, testosterone, and trenbolone and their esters and isomers¹⁴. Despite

these restrictions, anabolic steroids are easily obtained through internet and other clandestine sources. The stigma and penalties imposed on human athletes who have used or have apparently used anabolic steroids and related compounds are now cascading into the racing industry in the USA and today there is a higher level of awareness of the use of these drugs in the racing industry.

Regulation of Anabolic Steroids in the Commonwealth of Pennsylvania

The Commonwealth of Pennsylvania started regulating the use of anabolic and androgenic steroids on April 1, 2008. Prior to April 1, Pennsylvania horsemen and those in the surrounding states who were likely to race their horse in Pennsylvania were notified of the new policy as early as October of 2007.

The Commonwealth of Pennsylvania is regulating the use of anabolic and androgenic steroids by analyzing plasma samples obtained from equine athletes post competition. Plasma samples were chosen over urine because the pharmacological action of any drug is generally based on plasma concentration of the parent or active metabolite of the compound and not its concentration in urine. Thus, to determine if the drug had any pharmacological effect as to influence the performance of the horse at the time the horse was competing, the right place to look for the presence of the drug or in this case, anabolic steroid, is in blood/plasma. Furthermore, the complex excretion pattern of anabolic and androgenic steroids makes urine a more difficult and less meaningful medium to use in regulating the use of any drug. The use of plasma in screening for the presence of anabolic steroids allows its quantification. The use of plasma allows pharmacokinetics studies to be performed which can suggest some guidelines for veterinarians and horsemen, as the time periods for the steroids to be cleared from plasma.

Transition period

Anabolic and androgenic steroids are eliminated from the body very slowly. As the result of this problem, the Pennsylvania Racing Commissions in concert with the various Horsemen's Associations agreed on a transition period using the plasma concentrations of anabolic and androgenic steroids as guideposts (see appendix 1 for transition policy). The transition period would allow the horses to compete during this period as the blood (plasma) concentrations of previously administered anabolic steroid(s) progressively decreased below the level of quantification and confirmation. As part of this transition period, pre-race sampling of anabolic and androgenic steroids was offered to those horsemen who were concerned that the

concentration of a previously administered steroid in the horse was above a concentration that would trigger a violation. During the month of May of 2008, there has been a progressive reduction in the number of horses with a quantifiable plasma concentration of steroids and as of June 10, 2008 most of the samples are free of quantifiable plasma concentrations of anabolic steroids. By “free of”, is meant undetected at the level of picograms – trillionths of a gram – per milliliter of plasma.

Intact Male Horses (Stallions).

The androgenic steroids, testosterone and nandrolone, are naturally produced in measurable concentrations in the intact male horse; therefore, the proposed regulation requires that a tolerance threshold be suggested for the intact male horse above which concentration during competition would suggest that commercially purchased testosterone or nandrolone had been administered. To accomplish this, studies sponsored by the Pennsylvania Horse and Harness Racing Commissions are in progress.

Nandrolone, naturally present in the intact male horse was not detected in non-race track geldings or mares, and therefore, its presence in racing geldings or mares was due to exogenous administration. Both genders have low plasma concentrations of the opposite male or female hormone. Low plasma concentrations of testosterone can be detected in some female horses. These drugs, if detected, are usually at plasma concentrations below the level of quantification and so are considered inconsequential; similarly low concentrations of estrogen can be found in the male.

**Background Information on Exercise-Induced Pulmonary Hemorrhage (EIPH, Bleeding)
and Furosemide (LasixTM, SalixTM).**

Introduction

Small amounts of blood in the nose of the horse following vigorous exercise have been noted for many years. Initially, the origin of the bleeding was thought to be from the head or nasal cavity, or basically a bloody nose. When this was observed, the horse was commonly referred to as a “bleeder”. It was Cook in 1974 that suggested that the source of blood in the nose of a horse following vigorous exercise was from the trachea and lungs ¹. With the development of a fiberoptic endoscope long enough to examine the deeper portions of the horse trachea (windpipe) and lungs, Pascoe in 1981 confirmed the source of the hemorrhage as the lungs and termed the condition as Exercise-induced Pulmonary Hemorrhage ². Exercise-induced pulmonary hemorrhage (EIPH) or “bleeding” has been observed in Thoroughbred, Standardbred, Quarter Horses, and in all competing horses. Until recently many were convinced that the Thoroughbred horse bled more frequently than the Standardbred horse. However, the result of a recent study showed that the incidence is virtually identical between these 2 breeds of horses ³. The hemorrhage was related to the intensity of exercise and not the duration and is a condition that is prevalent in all horses worldwide ⁴. A relationship between severity of bleeding and racing success has not been established ^{2,4,5}. This is counter-intuitive to the assumption that if a horse bleeds its performance will be impacted; on the contrary horses that bleed still win big races.

Diagnosis of EIPH

There are a number of ways in which EIPH can be diagnosed. Occasionally horses will show evidence of bleeding by a small quantities of blood appearing at the nostrils following or up to 1 to 2 hours after the race. Most often the horse will swallow the small amount of blood and the diagnosis is made by endoscopic examination of the lung 1 to 2 hours after the race by looking for blood in the trachea or a tracheal wash to examine the number of red blood cells.

Mechanism of Exercise-Induced Pulmonary Hemorrhage (EIPH).

The mechanism of EIPH in the horse was suggested by West in 1993 as “stress related failure of pulmonary capillaries”, which means that the smaller vessels (capillaries) in the lung can rupture when exposed to high blood and lung pressures⁶⁻⁹. This concept was confirmed in the horse when it was shown that very high pressure could produce rupture of small capillaries in the lungs leading to hemorrhage¹⁰. Following this break in the integrity of the small and very thin pulmonary capillaries, some red blood cells would become trapped within interstitium of the lungs and some will leak into the air sacs (alveoli) of the lungs. Red blood cells in the air spaces of the lungs will work their way upwards into the trachea and be eventually cleared from the lungs and airways by the ciliary escalator. The cells that appear in the airways and the trachea from are used as markers to confirm that the horse had bled.

Pressures of over 100 mmHg in the lungs arteries are realistic in the exercising horses especially when rapid swings in breathing pressures are also taken into account^{9,11-13}. Compared to other species, including man, the horse has high lung arterial pressures during exercise. When lung arterial pressure exceeded 90 mmHg there was an increase in red blood cell counts from materials washed from the trachea indicating pulmonary hemorrhage had occurred. These pressures within the lungs can be achieved at treadmill speeds of 33 mi/h. Most horses exceed these speeds during a race. It is speculated that the arterial pressures may be higher in the horse competing on a track surface with a rider on its back.

Furosemide and the Reduction of Pressures in the Lung

Furosemide is used as a pre-race medication with the expectation of reducing arterial lung pressures, thereby reducing or eliminating EIPH. The reductions in pulmonary pressures produced by the administration of furosemide have been reported to be in the range of ~10 to 15 mmHg¹⁴⁻¹⁷. With estimated transmural pressures of over 100 mmHg created during exercise in horse, the pressure changes produced by the administration of furosemide are not of sufficient magnitude to reduce pressure within the capillaries to a level where hemorrhage resulting from rupture of the capillaries would be prevented. From a physiological prospective, the reduction of pressure produced by the administration of furosemide is not of sufficient magnitude to prevent or markedly reduce EIPH.

Effect of Furosemide on EIPH

Furosemide has been used empirically and has been approved for many years by the racing industry for the control of exercise-induced pulmonary hemorrhage (EIPH) or “bleeding” in racehorses. Its use in horses for this purpose has been controversial and has been criticized by organizations outside and inside of the racing industry. Despite the use of furosemide, horses continue to present blood in the trachea after exercise. No studies have shown a complete absence of blood from the trachea, in horses diagnosed with EIPH post-race or exercise, as a result of furosemide administration^{3,17-22}. One study did, however, report that 64% of Thoroughbred horses administered furosemide before exercise had a decrease in blood in the trachea, although the report has not been verified by other investigators²³. The majority of reports indicate that furosemide does not prevent EIPH in horses.

Furosemide and Performance

Literature available on this subject suggests that furosemide has the potential of increasing performance in horses without significantly changing the bleeding status. In a race track study conducted on Thoroughbred horses, there was an improvement in racing times in many horses after the administration of furosemide with similar observation in Standardbred horses^{24,25}. One study examined the records of 22,589 Thoroughbred horses racing in US and Canada with and without the pre-race administration of furosemide. The conclusion of this study was similar to those of less extensive studies; horses that were administered furosemide raced faster, earned more money, and were more likely to win or finish in the top 3 positions than horses that did not²⁶. A study which examined the effects of furosemide on the racing times of horses without EIPH under racing conditions showed an increase in racing times in many of the horse. The difficulty in the conduction of this study was based on the fact that it is difficult to find a population of horses that do not bleed following exercise, but the overall conclusions were similar to those of other studies²⁰.

Results from very elegant treadmill studies indicated that the increase in speed was due to significant weight loss produced by the administration of furosemide and not by any specific stimulatory or direct ergogenic effects on the horse. Based on the reduction in weight, the accumulated oxygen deficit was less during the 2-minute run as was the production of lactates. Thus, the sudden weight loss due to water loss (diuresis) induced by furosemide allowed the horse to run faster. This effect was reversed by the addition of an average of 16.1 kg of added

weight to the horse which was the estimated weight loss due to the diuresis produced by furosemide administration 4 hour before exercise^{27,28}. Others have also concluded that the reason for the increase in speed of the horse was the loss of weight due to the loss of body fluids produced by the administration of furosemide²⁹. Replacing this weight loss negates the effect of its administration.

Administration of Furosemide (Lasix™) and Detection of Drugs in Urine.

Furosemide (Lasix™, Salix™) is a rapidly acting diuretic³⁰ and its intravenous administration results in a number of changes. The most visual effect is the increase in urine volume. This increase in the production of urine which starts in about 10 minutes following intravenous administration produced a decrease in urine specific gravity; this results in reduction of the kidneys ability to concentrate drugs in urine. The main concern with the administration of furosemide is the reduction in post-race specific gravity produced by the extensive urination, and the possible influence that this dilution might have on the detection of therapeutic medications and drugs in urine³¹⁻³⁶. It is important that a sufficient period of time be allowed for the specific gravity of urine to return to normal, and that the dose of furosemide administered pre-race is compatible with this concern.

Most equine analytical chemists use the specific gravity of 1.010 as a cut-off point below which the detection of drugs in urine may be compromised. In most racing jurisdictions a 3½ to 4-hour rule exists for the race-day administration of furosemide, with dose of 100 to 500 milligrams allowed by intravenous administration.

Methods of detection have improved since these studies were conducted and more sensitive methods are currently being used by most laboratories which reduce the impact of dilute urine on the detection of drugs, but it does not eliminate the impact of very dilute urine on drug detection. The use of plasma is becoming more prevalent in the detection of drugs and furosemide administration has little effect on the plasma concentration of drugs.

Comments on the Health and Welfare of Horses

A very basic element in the health and welfare of the horse is the living and training environment of race tracks. Well ventilated barns are essential in reducing dust in the environment that horses are exposed to on a daily basis, and reducing the transfer of communicable diseases when outbreaks occur. Dusty and poorly ventilated barn conditions contribute to pharyngitis, bronchitis and other respiratory disorders that can sideline a horse from competition. Track surfaces on which the horse train and compete is an issue that will be discussed by others on this panel.

Funding for research in horse health and welfare is limited to non-existent and yet the horse carries the burden and the responsibility of keeping us in the business of racing. The total annual economic impact of the horses and horse racing in many states is large, yet the research on the health issues of one player upon which the weight of the industry rests is generally neglected. Other viable industries have vigorous research and development programs.

There are many health issues that can be addressed, but the ones outlined below can have the greatest short-term and long term economic impact on the racing industry.

An area of greatest concern for short-time economic loss in the competing horse, are muscle and skeletal injuries and respiratory and airway diseases. Many of these conditions impact the well-being and prevent the horse from competing on a short time basis.

Conditions that result in catastrophic economic loss and death in horse are laminitis, gastro-intestinal emergencies, and catastrophic track injuries. Other areas of concern for maintaining the health and well-being of the horse are lack of good pain management in injured horses and the growing concern of antibiotic-resistant infections, as well as equine nutrition, reproduction, growth, and nutrient management. Maintaining the strength of the gene pool requires investigations into improvement of the longevity of breeding female and male horses and research into foal losses and sustaining pregnancy to term. Others can add to this list of the many conditions where research funds would contribute to the health of the horse. Veterinarians are the primary advocates for the health and welfare of the horse and it is essential that these concerns are actively addressed.

Selected References for Anabolic Steroids

1. Mottram DR, George AJ. Anabolic steroids. *Best Practice & Research Clinical Endocrinology & Metabolism* 2000;14:55-69.
2. Hartgens F, Kuipers H. Effects of androgenic-anabolic steroids in athletes. *Sports Medicine* 2004;34:513-554.
3. Alen M, Hakkinen K, Komi PV. Changes in neuromuscular performance and muscle fiber characteristics of elite power athletes self-administering androgenic and anabolic steroids. *Acta Physiologica Scandinavica* 1984;122:535-544.
4. Elashoff JD, Jacknow AD, Shain SG, et al. Effects of anabolic-androgenic steroids on muscular strength.[see comment]. *Annals of Internal Medicine* 1991;115:387-393.
5. Gonzalez B, Hernando R, Manso R. Anabolic steroid and gender-dependent modulation of cytosolic HSP70s in fast- and slow-twitch skeletal muscle. *Journal of Steroid Biochemistry & Molecular Biology* 2000;74:63-71.
6. Freed DL, Banks AJ, Longson D, et al. Anabolic steroids in athletics: crossover double-blind trial on weightlifters. *British Medical Journal* 1975;2:471-473.
7. Kadi F, Eriksson A, Holmner S, et al. Effects of anabolic steroids on the muscle cells of strength-trained athletes. *Medicine & Science in Sports & Exercise* 1999;31:1528-1534.
8. Kuhn CM. Anabolic steroids. *Recent Progress in Hormone Research* 2002;57:411-434.
9. VanHelder WP, Kofman E, Tremblay MS. Anabolic steroids in sport. *Canadian Journal of Sport Sciences* 1991;16:248-257.
10. Turner JE, Irvine CH. Effect of prolonged administration of anabolic and androgenic steroids on reproductive function in the mare. *Journal of Reproduction & Fertility* 1982;32:213-218.
11. Snow DH, Munro CD, Nimmo MA. Effects of nandrolone phenylpropionate in the horse: (1) resting animal. *Equine Veterinary Journal* 1982;14:219-223.
12. McDonnell SM, Garcia MC, Blanchard TL, et al. Evaluation of androgenized mares as an estrus detection aid. *Theriogenology* 1986;26:261-266.
13. McDonnell SM, Hinrichs K, Cooper WL, et al. Use of an androgenized mare as an aid in detection of estrus in mares. *Theriogenology* 1988;30:547-553.
14. Sundlof SF. Legal control of veterinary drugs. *Adams HR (ed): Veterinary pharmacology therapeutics 8th ed Ames, Iowa: Iowa State University Press* 2001:1155.
15. Guan F, Soma LR, Luo Y, et al. Collision-induced dissociation pathways of anabolic steroids by electrospray ionization tandem mass spectrometry. *Journal of the American Society for Mass Spectrometry* 2006;17:477-489.
16. Guan F, Uboh CE, Soma LR, et al. Detection, quantification and confirmation of anabolic steroids in equine plasma by liquid chromatography integrated with tandem mass spectrometry *Journal of Chromatography B* 2005;829:56-68.
17. Soma LR, Uboh CE, Guan F, et al. Pharmacokinetics of Boldenone and Stanozolol and the Results of Quantification of Anabolic and Androgenic Steroids and in Race Horses and Non-Race Horses. *J Vet Pharmacol Therap* 2007;30:1-8.

Selected References for Exercise-Induced Pulmonary Hemorrhage (EIPH) and Lasix™

1. Cook WR. Epistaxis in the racehorse. *Equine Veterinary Journal* 1974;6:45-58.
2. Pascoe JR, Ferraro GL, Cannon JH, et al. Exercise-induced pulmonary hemorrhage in racing thoroughbreds: a preliminary study. *American Journal of Veterinary Research* 1981;42:703-707.
3. Birks EK, Shuler KM, Soma LR, et al. EIPH: postrace endoscopic evaluation of Standardbreds and Thoroughbreds. *Equine Veterinary Journal* 2002;Supplement.:375-378.
4. Birks EK, Durando MM, McBride S. Exercise-induced pulmonary hemorrhage. *Veterinary Clinics of North America - Equine Practice* 2003;19:87-100.
5. Sweeney CR. Exercise-induced pulmonary hemorrhage. *Veterinary Clinics of North America - Equine Practice* 1991;7:93-104.
6. Tsukimoto K, Mathieu-Costello O, Prediletto R, et al. Ultrastructural appearances of pulmonary capillaries at high transmural pressures. *Journal of Applied Physiology* 1991;71:573-582.
7. West JB, Mathieu-Costello O. Stress failure of pulmonary capillaries as a mechanism for exercise induced pulmonary haemorrhage in the horse.[see comment]. *Equine Veterinary Journal* 1994;26:441-447.
8. West JB, Mathieu-Costello O, Jones JH, et al. Stress failure of pulmonary capillaries in racehorses with exercise-induced pulmonary hemorrhage. *Journal of Applied Physiology* 1993;75:1097-1109.
9. Erickson BK, Erickson HH, Coffman JR. Pulmonary artery, aortic and oesophageal pressure changes during high intensity treadmill exercise in the horse: a possible relation to exercise-induced pulmonary haemorrhage.[see comment]. *Equine Veterinary Journal* 1990;Supplement.:47-52.
10. Birks EK, Mathieu-Costello O, Fu Z, et al. Very high pressures are required to cause stress failure of pulmonary capillaries in thoroughbred racehorses. *Journal of Applied Physiology* 1997;82:1584-1592.
11. Manohar M. Pulmonary artery wedge pressure increases with high-intensity exercise in horses. *American Journal of Veterinary Research* 1993;54:142-146.
12. Manohar M. Pulmonary vascular pressures of thoroughbreds increase rapidly and to a higher level with rapid onset of high-intensity exercise than slow onset. *Equine Veterinary Journal* 1994;26:496-499.
13. Manohar M, Hutchens E, Coney E. Pulmonary haemodynamics in the exercising horse and their relationship to exercise-induced pulmonary haemorrhage. *British Veterinary Journal* 1993;149:419-428.
14. Manohar M. Furosemide attenuates the exercise-induced increase in pulmonary artery wedge pressure in horses. *American Journal of Veterinary Research* 1993;54:952-958.
15. Manohar M, Hutchens E, Coney E. Frusemide attenuates the exercise-induced rise in pulmonary capillary blood pressure in horses. *Equine Veterinary Journal* 1994;26:51-54.
16. Olsen SC, Coyne CP, Lowe BS, et al. Influence of furosemide on hemodynamic responses during exercise in horses. *American Journal of Veterinary Research* 1992;53:742-747.
17. Erickson BK, Erickson HH, Coffman JR. Pulmonary artery and aortic pressure changes during high intensity treadmill exercise in the horse: effect of frusemide and phentolamine. *Equine Veterinary Journal* 1992;24:215-219.

18. Pascoe JR. Why does exercise induced pulmonary haemorrhage occur? *Equine Veterinary Journal* 1985;17:159-161.
19. Pascoe JR, Ferraro GL, Cannon JH, et al. Exercise-induced pulmonary hemorrhage in racing thoroughbreds: a preliminary study. *American Journal of Veterinary Research* 1981;42:703-707.
20. Sweeney CR, Soma LR, Maxson AD, et al. Effects of furosemide on the racing times of Thoroughbreds.[see comment]. *American Journal of Veterinary Research* 1990;51:772-778.
21. Sweeney CR, Soma LR. Exercise-induced pulmonary hemorrhage in thoroughbred horses: response to furosemide or hesperidin-citrus bioflavonoids. *Journal of the American Veterinary Medical Association* 1984;185:195-197.
22. Sweeney CR, Soma LR, Bucan CA, et al. Exercise-induced pulmonary hemorrhage in exercising Thoroughbreds: preliminary results with pre-exercise medication. *Cornell Veterinarian* 1984;74:263-268.
23. Pascoe JR, McCabe AE, Franti CE, et al. Efficacy of furosemide in the treatment of exercise-induced pulmonary hemorrhage in Thoroughbred racehorses. *American Journal of Veterinary Research* 1985;46:2000-2003.
24. Soma LR, Birks EK, Uboh CE, et al. The effects of frusemide on racing times of Standardbred pacers. *Equine Veterinary Journal* 2000;32:334-340.
25. Soma LR, Laster L, Oppenlander F, et al. Effects of furosemide on the racing times of horses with exercise-induced pulmonary hemorrhage. *American Journal of Veterinary Research* 1985;46:763-768.
26. Gross DK, Morley PS, Hinchcliff KW, et al. Effect of furosemide on performance of Thoroughbreds racing in the United States and Canada.[see comment]. *Journal of the American Veterinary Medical Association* 1999;215:670-675.
27. Hinchcliff KW, McKeever KH, Muir WW, 3rd, et al. Effect of furosemide and weight carriage on energetic responses of horses to incremental exertion. *American Journal of Veterinary Research* 1993;54:1500-1504.
28. Hinchcliff KW, McKeever KH, Muir WW, et al. Furosemide reduces accumulated oxygen deficit in horses during brief intense exertion. *Journal of Applied Physiology* 1996;81:1550-1554.
29. Zawadzka XA, Sides RH, Bayly WM. Is improved high speed performance following frusemide administration due to diuresis-induced weight loss or reduced severity of exercise-induced pulmonary haemorrhage? *Equine Veterinary Journal* 2006;Supplement.:291-293.
30. Kirkendall WM, Stein JH. Clinical pharmacology of furosemide and ethacrynic acid. *American Journal of Cardiology* 1968;22:162-167.
31. Stevenson AJ, Weber MP, Todi F, et al. The influence of furosemide on plasma elimination and urinary excretion of drugs in standardbred horses. *Journal of Veterinary Pharmacology & Therapeutics* 1990;13:93-104.
32. Roberts BL, Blake JW, Tobin T. Drug interactions in the horse: effect of furosemide on plasma and urinary levels of phenylbutazone. *Research Communications in Chemical Pathology & Pharmacology* 1976;15:257-265.
33. Uboh CE, Rudy JA, Soma LR, et al. Characterization of bromhexine and ambroxol in equine urine: effect of furosemide on identification and confirmation. *Journal of Pharmaceutical & Biomedical Analysis* 1991;9:33-39.

34. Miller JR, Roberts BL, Blake JW, et al. Drug interactions in the horse. III. Effects of furosemide on urinary concentrations of glucuronide metabolites of pentazocine. *Research Communications in Chemical Pathology & Pharmacology* 1977;17:447-456.
35. Tobin T, Roberts BL, Miller JR. The pharmacology of furosemide in the horse. I. Effects on the disposition of procaine, methylphenidate, pnehylbutazone, and pentazocine *Journal of equine medicine and surgery* 1977;2:216-226.
36. Soma LR, Korber K, Anderson T, et al. Effects of furosemide on the plasma and urinary concentrations and the excretion of fentanyl: model for the study of drug interaction in the horse. *American Journal of Veterinary Research* 1984;45:1743-1749.

Appendix 1

Steroid Policy: see Pennsylvania Department of Agriculture, Commissions and Councils, Horse Racing Commission for March 24, 2008, announced a policy for the use of steroids in Thoroughbred racing.

Mr. HILL. Dr. Stover.

**STATEMENT OF SUSAN M. STOVER, D.V.M., PH.D., DIPL. ACVS,
UNIVERSITY OF CALIFORNIA DAVIS**

Dr. STOVER. Thank you, Mr. Chairman and members of the committee.

California has monitored racehorse deaths for over 15 years through a postmortem program mandated by the California Horse-racing Board and implemented by the racetracks and the School of Veterinary Medicine at the University of California Davis. Over 4,200 racehorses have been necropsied through this program. This is a sobering statistic. As a veterinarian this is devastating, and each fatality is totally unacceptable.

My research laboratory is devoted to understanding the causes and development of injuries so that strategies can be developed for injury prevention. Seventy-nine percent of deaths are associated with injuries incurred during racing and training. Until recently fatality rates had slowly increased over time in California. Approximately 3 to 5 horses die per 1,000 thoroughbred race starts. The fatalities are just the tip of the iceberg. Because milder injuries cause many horses to leave racing after short careers, approximately 20 percent of racehorses leave racing every 3 months.

Pathologic evidence indicates that many catastrophic, fatal musculoskeletal injuries are the acute manifestation of a sudden occurrence following preexisting milder injuries that develop over several weeks to several months. Mild injuries are typically repetitive, overuse injuries common to elite athletes of any species. Microscopic damage occurs when bones are loaded during exercise. When this damaged bone is replaced by healthy bone tissue through a normal process, there is a transient period of osteoporosis that makes bones highly susceptible to fracture even under normal racing and training conditions. Consequently horses are actually inadvertently susceptible in periods of time to injury under normal conditions; that is, without intentional abuse by trainers, owners, or veterinarians.

The clinical science preceding fracture development may be subtle and difficult to detect. Consequently there is a need to optimize the ability to detect injuries during the early stages of development. Advanced imaging techniques and accessibility to advanced imaging equipment are continually improved; however, permitted medications likely mask signs of mild injury and contribute to injury development.

Injuries, however, are multifactorial, with numerous contributing factors that create opportunities, however, for injury prevention, and I am optimistic that we can prevent injuries. Epidemiologic evidence indicates the horse characteristics, training and racing history, hoof management, horseshoe characteristics, preexisting musculoskeletal injuries and race characteristics all affect risk for injury. Key factors affect the magnitude and frequency of loading and can be managed for injury prevention.

Racing jurisdictions are actively addressing the injury problem, at least in California. In fact, racehorse owners, trainers and veterinarians, officials, and industry regulators have embraced scientific evidence and implemented changes for the benefit of equine

welfare that countered long-standing traditions. Advanced imaging equipment has been installed at some major California racetracks to enhance early detections of injuries. Jurisdictions have mandated limitations on the height of a traction device, toe grabs, on horseshoes after a study demonstrated an association with increasing risk for injury with increasing height of toe grab. Recent scientific evidence indicated that a synthetic race surface imparts significantly lower loads and accelerations to the hoof during exercise. California mandated that all major racetracks replace traditional race surfaces with a synthetic race surface, at huge expense to racetrack management. And other racetracks have voluntarily replaced traditional race surfaces with synthetic surfaces. Initial preliminary injury data support the concept that race surface design and management have large potential for injury prevention.

Racing communities are working collaboratively on a national level to address industry problems. National summits that addressed equine welfare in 2006 and 2008 were held by the Grayson Jockey Club Research Foundation. These strategic planning sessions brought together scientists and leaders from all facets, breeding to racing, workforce to management of the racehorse industry, to identify problems, recommend—develop recommendations for problem resolution.

However, the racing industry consists of complicated parts. I am unaware of an industry model that identifies relationships between the components of the industry. It is conceivable that management decisions inadvertently affect racehorse training and management and thus have effects on equine health and welfare. The number of horses required to fulfill racing inventory while minimizing racehorse attrition is unknown. The underlying racehorse population is largely unknown, and medical data are difficult to retrieve.

Further scientific research is desperately needed to guide the industry. Changes, for example, on racetrack surface design are largely based on marketing factors because of sparse scientific data. However, research funds are sparse relative to the size of the industry. Equine research proposals are not competitive for Federal funds because horses are not considered an agricultural product nor related to human health. Dissemination of findings needs to be broader.

In summary, musculoskeletal injuries are devastating to equine welfare and to the thoroughbred racehorse industry. There are, however, great opportunities for intervention and injury prevention. The key to tracking the prevalence of injuries and the success or lack of success of interventions is identification of the underlying racehorse population. The industry should consider a mechanism for identification of horses that can be used for a horse's medical record, location, exercise and movement, and racetrack horse inventory. The racehorse industry and Federal granting agencies need to make a substantial adjustment in research related to equine welfare and mandatory continuing education of those people in the industry.

Thank you for the opportunity to speak before this committee.

Mr. HILL. Thank you, Dr. Stover.

[The prepared statement of Dr. Stover follows:]



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June 15, 2008

Subcommittee on Commerce, Trade, and Consumer Protection
Committee on Energy and Commerce
U.S. House of Representatives

RE: Hearing entitled, "Breeding, Drugs, and Breakdowns: The State of Thoroughbred Horseracing and the Welfare of the Thoroughbred Racehorse."

Testimony for June 19, 2008 of:

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Summary

- Musculoskeletal injuries are the major cause of racehorse death and attrition.
- Racehorses are much more likely to suffer catastrophic injuries as a result of inadvertent circumstances than as a result of intentional abuse.
- Opportunities for injury prevention are great because catastrophic injuries are the acute manifestation of a more chronic process, and many risk factors are manageable.
- Racing officials have embraced scientific evidence and mandated change for the benefit of equine welfare in the face of long-standing tradition and horsemen resistance.
- There is a need for tracking the racehorse population.
- Research funds are needed to provide scientific evidence for further changes to enhance equine and industry welfare.

Mr. Chairman and Members of the Subcommittee on Commerce, Trade, and Consumer Protection, thank-you for the opportunity to share our knowledge of racehorse musculoskeletal injuries and ongoing efforts for injury prevention.

California has monitored racehorse deaths for over 15 years. The California Horse Racing Board, a subcommittee of the California State Legislature, instituted a Postmortem Program in 1990, where all horses that die at a California racetrack under the jurisdiction of the Board undergo necropsy examination by pathologists at California Animal Health and Food Safety Diagnostic Laboratories of the School of Veterinary Medicine, University of California, Davis. Racetracks transport horses to necropsy facilities in this highly collaborative program. Industry organizations (e.g., Grayson Jockey Club Research Foundation, UC Davis Center for Equine Health) fund highly competitive, in-depth research projects on racehorse injuries and illnesses, conducted by University faculty and private veterinarians. Over 4,200 racehorses have been necropsied through this program. Necropsy programs have now been established in other states, and there are efforts to standardize reporting of necropsy findings nationwide.

Musculoskeletal injuries are the greatest cause of racehorse death and attrition. In California, 79% of deaths are associated with racing and training injuries. Although most fatal injuries occur during racing, over 32% of injuries occur during training activities. From 1990 to 2006, an increasing trend was observed for injury rates. The proportion of Thoroughbred horses with a fatal musculoskeletal injury during racing and training has risen from approximately 3 horses to 5 horses per 1000 Thoroughbred race starts. The proportion of Thoroughbred racehorses with a fatal musculoskeletal injury has risen from 17 horses to 24 horses per 1000 Thoroughbred horses that started a race. Musculoskeletal injuries

resulted in 19-33% of racehorses leaving training within a 3 month or less period in the United States. An example helps us appreciate the impact of these rates of turnover on a racetrack population. For a 19% turnover in a 3 month period, approximately 2 times the daily population would be required to maintain horses at the racetrack throughout the year, assuming that horseracing occurs throughout the year and horses that leave the racetrack do not return in the same year. These trends are disturbing, especially in light of the discoveries made through the California Postmortem Program. However, there is recent evidence for a reversal in the trend for injury rates.

Pathologic evidence indicates that many catastrophic, fatal musculoskeletal injuries are the acute manifestation of pre-existing, milder injuries that develop over several weeks to months. Mild injuries are typically repetitive, overuse injuries. As with any physical activity, bone incurs microscopic damage when loaded during exercise. Normally, damaged bone tissue is continually replaced by healthy bone tissue through the repair process. Key to understanding the implications of the repair process in elite athletes is the time course of events during repair of microdamage. Much like demolition of a building, a unit of damaged bone tissue can be removed rapidly (within days to 2 weeks). However, similar to constructing a new building, the orderly replacement of a unit of bone requires months. Consequently, when the repair process occurs regionally in response to the quick accumulation of focal microdamage there is a transient period of bone weakness that occurs after damaged bone has been removed and before completion of bone replacement. The focal weakness allows initiation of a complete fracture under otherwise, physiologic training and racing conditions. Racehorses can be inadvertently susceptible to a fracture by virtue of routine racing and training conditions, that is, *without* intentional abuse.

The clinical signs preceding fracture development may be subtle and difficult to detect. Consequently, there is a need to optimize the ability to detect injuries during the early stages of development. Advanced imaging techniques and accessibility to advanced imaging equipment are

continually improved. However, the potential for permitted medications to mask mild injury and to contribute to injury development needs to be assessed. The good news is that there is time during injury development for intervention for catastrophic injury prevention.

Injuries are multifactorial, with numerous contributing factors that create opportunities for injury prevention. Epidemiologic evidence indicates that horse characteristics (age, gender, quality), training and racing history, hoof management, horseshoe characteristics, pre-existing musculoskeletal injuries, racetrack characteristics (geometry, condition, and surface), and race features (e.g., class of race, purse) affect risk for injury. Several of these factors are likely to affect the rate of microdamage accumulation and can be managed for injury prevention. Key factors affect the magnitude and frequency of bone loading, and include exercise history, hoof conformation and shoeing, and race surface design. *High exercise intensity increases risk for fatal injury and also for lay-up (inability to race).* Hoof conformation and shoeing affect risk for injury because modifications can amplify loads to bones, tendons, and ligaments. Race surface characteristics affect the magnitude and nature of load transferred to the hoof.

Racing jurisdictions are actively addressing the injury problem. In fact, racehorse owners, trainers, and veterinarians; racetrack officials; and industry regulators have embraced scientific evidence and implemented changes for the benefit of equine welfare that countered long-standing traditions. Advanced imaging equipment has been installed at some major California racetracks to enhance early detection of injuries. Jurisdictions have mandated limitations on the height of a traction device, toe grabs, on horseshoes after studies demonstrated an association with increasing risk for injury with increasing height of toe grab. Recent scientific evidence demonstrated that a synthetic race surface imparts significantly lower loads and accelerations to the hoof during exercise. California mandated that all major racetracks replace traditional race surfaces with a synthetic race surface, at huge expense to racetrack management. Other racetracks have voluntarily replaced traditional race surfaces with

synthetic race surfaces. Initial, preliminary injury data support the concept that race surface design and management have large potential for injury prevention.

Racing communities are working collaboratively at a national level to address industry problems. Examples include the national summits that addressed equine welfare in 2006 and 2008 held by the Grayson-Jockey Club Research Foundation. These strategic planning sessions brought together scientists and leaders from all facets (breeding to racing, work force to management) of the racehorse industry to identify industry problems and develop recommendations for problem resolution. Summit recommendations are in various stages of implementation. Other efforts to develop and promote uniformity among rules for racing are actively underway.

However, the racing industry consists of complicated parts. I am unaware of an industry model that identifies relationships between the components of the industry. It is conceivable that management decisions inadvertently affect racehorse training and management, and thus have effects on equine health and welfare. The number of horses required to fulfill racing inventory while minimizing racehorse attrition is unknown. The underlying racehorse population is largely unknown. Medical data are difficult to retrieve.

Further scientific research is desperately needed to guide the industry. Changes, for example in racetrack surface design, are largely based on marketing factors because of sparse scientific data. Funds for research are generally limited to those generated by organizations such as the Grayson-Jockey Club Research Foundation and centers for equine health. In some states, a small portion of pari-mutuel funds is apportioned for equine research. However, research funds are sparse relative to the size of the industry. Equine research proposals are not competitive for federal funds because horses are not considered an agricultural product, nor related to human health. Dissemination of research findings should be optimized, perhaps by mandated continuing education of racetrack personnel.

Musculoskeletal injuries have a huge, adverse effect on equine welfare, and on the Thoroughbred racehorse industry. Although fatal musculoskeletal injuries have a relatively low prevalence, milder forms of these injuries have a high prevalence. There are great opportunities for intervention and injury prevention because injuries develop over weeks and months of time. Excellent candidates for injury prevention include enhancing management practices to minimize low hoof heel angle; incorporation of more frequent, shorter high speed works or races in exercise regimes; avoidance of excessive accumulation of high speed distances over short periods of time; recognition and rehabilitation of mild injuries; avoidance of use of high toe grabs; design of safer race surfaces; and reconsideration of permitted medications. It is important to achieve uniformity of racing surface mechanical properties among racetracks and for the design of specific surface materials to meet the spectrum of environmental conditions seen by horses. Key to tracking the prevalence of injuries and the success (or lack of success) of interventions is identification of the underlying racehorse population. The industry should consider a mechanism for identification of horses that can be used for horses' medical record, location, exercise, and movement; and racetrack horse inventory. The racehorse industry and federal granting agencies need to make a substantial investment in research related to equine welfare and in mandatory continuing education of horse owners and trainers, and racetrack veterinarians.

Key References

- Stover SM. The epidemiology of Thoroughbred racehorse injuries. *Clin Tech Equine Pract* 2003;2:312-322.
- Parkin TDH. Epidemiology of racetrack injuries in racehorses. *Vet Clin North Am Equine Pract* 2008;24(1): 1-20.
- Stover SM, Murray A. The California Postmortem Program: leading the way. *Vet Clin North Am Equine Pract* 2008;24(1): 21-36.
- Estberg L, Stover SM, Gardner IA, et al. Fatal musculoskeletal injuries incurred during racing and training in Thoroughbreds. *J Am Vet Med Assoc* 1996;208:92-96.
- Estberg L, Stover SM, Gardner IA, et al. Relationship between race start characteristics and risk of catastrophic injury in Thoroughbreds: 78 cases (1992). *J Am Vet Med Assoc* 1998;212:544-549.
- Bailey CJ, Reid SW, Hodgson DR, et al. Risk factors associated with musculoskeletal injuries in Australian Thoroughbred racehorses. *Prev Vet Med* 1997;32:47-55.
- Henley WE, Rogers K, Harkins L, et al. A comparison of survival models for assessing risk of racehorse fatality. *Prev Vet Med* 2006;74:3-20.
- Perkins NR, Reid SW, Morris RS. Risk factors for injury to the superficial digital flexor tendon and suspensory apparatus in Thoroughbred racehorses in New Zealand. *N Z Vet J* 2005;53:184-192.
- Perkins NR, Reid SW, Morris RS. Risk factors for musculoskeletal injuries of the lower limbs in Thoroughbred racehorses in New Zealand. *N Z Vet J* 2005;53:171-183.
- Hernandez J, Hawkins DL, Scollay MC. Race-start characteristics and risk of catastrophic musculoskeletal injury in Thoroughbred racehorses. *J Am Vet Med Assoc* 2001;218:83-86.

- Mohammed HO, Hill T, Lowe J. Risk factors associated with injuries in Thoroughbred horses. *Equine Vet J* 1991;23:445-448.
- Mohammed HO, Hill T, Lowe J. The risk of severity of limb injuries in racing Thoroughbred horses. *Cornell Vet* 1992;82:331-341.
- Kane AJ, Stover SM, Gardner IA, et al. Hoof size, shape, and balance as possible risk factors for catastrophic musculoskeletal injury of Thoroughbred racehorses. *Am J Vet Res* 1998;59:1545-1552.
- Kane AJ, Stover SM, Gardner IA, et al. Horseshoe characteristics as possible risk factors for fatal musculoskeletal injury of Thoroughbred racehorses. *Am J Vet Res* 1996;57:1147-1152.
- Hill AE, Stover SM, Gardner IA, et al. Risk factors for and outcomes of noncatastrophic suspensory apparatus injury in Thoroughbred racehorses. *J Am Vet Med Assoc* 2001;218:1136-1144.
- Evans DL, Walsh JS. Effect of increasing the banking of a racetrack on the occurrence of injury and lameness in Standardbred horses. *Aust Vet J* 1997;75:751-752.
- McKee SL. An update on racing fatalities in the UK. *Equine Vet Educ* 1995;7:202-204.
- Oikawa M, Ueda Y, Inada S, et al. Effect of restructuring of a racetrack on the occurrence of racing injuries in Thoroughbred horses. *J Equine Vet Sci* 1994;14:262-268.
- Cohen ND, Mundy GD, Peloso JG, et al. Results of physical inspection before races and race-related characteristics and their association with musculoskeletal injuries in Thoroughbreds during races. *J Am Vet Med Assoc* 1999;215:654-661.
- Johnson BJ, Stover SM, Daft BM, et al. Causes of death in racehorses over a 2 year period. *Equine Vet J* 1994;26:327-330.

- Peloso JG, Mundy GD, Cohen ND, et al. Prevalence of, and factors associated with, musculoskeletal racing injuries of thoroughbreds. *J Am Vet Med Assoc* 1994;204:620-626.
- Estberg L, Stover SM, Gardner IA, et al. Relationship between race start characteristics and risk of catastrophic injury in thoroughbreds: 78 cases (1992). *J Am Vet Med Assoc* 1998;212:544-549.
- Cohen ND, Mundy GD, Peloso JG, et al. Results of physical inspection before races and race-related characteristics and their association with musculoskeletal injuries in Thoroughbreds during races. *J Am Vet Med Assoc* 1999;215:654-661.
- Stover SM, Johnson BJ, Daft BM, et al. An association between complete and incomplete stress fractures of the humerus in racehorses. *Equine Vet J* 1992;24:260-263.
- Haynes PF, Robinson RA. Racetrack breakdown pilot study summary. *Proc Am Assoc Eq Pract* 1989;34:673-676.
- Setterbo JJ, Garcia TC, Campbell IP, Reese JL, Wade JM, Kim SY, Hubbard M, Stover SM. Hoof accelerations and ground reaction forces of Thoroughbred racehorses measured on dirt, synthetic, and turf track surfaces. *Submitted Am J Vet Res* 2008
- Riggs CM, 1. Fractures--a preventable hazard of racing thoroughbreds? *Vet J* 2002;163:19-29.

Mr. HILL. Dr. McIlwraith.

**STATEMENT OF WAYNE MCILWRAITH, PH.D., D.V.M., F.R.C.V.S.,
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COLORADO STATE UNIVERSITY**

Dr. MCILWRAITH. Thank you, Mr. Chairman and members of the subcommittee. By way of introduction, I am director of the Gail Holmes Equine Orthopaedic Research Center at Colorado State University, and also hold the Barbara Cox Anthony University Chair in Orthopedics. I am also an active equine orthopedic surgeon, and so I am involved in the immediate repair and treatment of equine musculoskeletal injuries, although I am not too sure how good that is anymore based on the last panel.

I feel privileged to work on these horses, but probably more importantly I direct a program to discover productive answers for prevention and early diagnosis of these injuries. As a personal example of my mixed job description, last weekend I did surgery on eight horses at the Equine Medical Center in California, and on Sunday I stayed in the hotel room to prepare the written statement for this hearing.

I would like to comment on three critical areas that I think make a difference regarding catastrophic fractures in the thoroughbred racehorse and what we are doing to address these issues. There is no question, as Dr. Stover has previously said, that we have an unacceptable rate of injury in the U.S. And these three areas are areas where we have done some research and we have got ongoing efforts to try and solve.

The first one is fracture prevention, and it is based on the premise of prior damage leading to catastrophic injury and early recognition of this damage being key to prevention. There is an accumulating body of evidence that the presence of microdamage could lead to catastrophic fractures. This is the same cycle of remodeling that Dr. Stover talked about. And there is evidence. This evidence is actually based originally on postmortem material done at UC Davis that Dr. Stover was involved in, and more recently in work on looking at the changes in bone with exercise that is being done experimentally at CSU.

We have a number of ongoing research projects looking at factors that might predispose to this microdamage and therefore consequently fracture. These include joint and muscle modeling to calculate the real forces, generic analysis, as well as the effect of early exercise on bone changes. And interestingly enough we have found that early exercise can benefit the musculoskeletal system of young horses.

The most exciting and important part of this work, in my opinion, is what we have done to diagnose this microdamage early, using blood biomarkers as well as novel imaging techniques. The principle of biomarkers is when the bone and cartilage degrades early in disease with this microdamage, degradation products are released, and these can be picked up by antibody tests that we have developed.

We have recently completed a study that was funded by the Grayson Jockey Club Research Foundation looking at these biomarkers in a predictive fashion. We found that there was an ele-

vation of these markers in horses that sustained an injury 6 to 8 weeks after the elevation. We are up to 70 percent predictability, but want to work to 100 percent. The long-term vision here is that we could use regular blood samples to analyze the biomarkers and identify a horse at risk. That horse could then go into a bone scan, and this has previously been shown to help diagnose early micro-damage, or a CT to further define the problem.

We have already saved horses with nuclear scintigraphy, and this early work was based on research of Dr. Stover identifying that stress fractures led to catastrophic fractures, and consequently if we diagnose those early stress fractures, we could diagnose a problem and stop catastrophic injury.

Unfortunately, not all horses show lameness, and so the biomarkers, we think, are critical to screening the horse at risk.

The second area I wanted to discuss is racetrack surfaces. There has been considerable discussion on synthetic tracks. I have been working with Dr. McPeterson at the University of Maine on developing objective means of evaluating racetrack surfaces. So we have created tests that reproduce the loads and speeds of a horse's hoof at a gallop and measure the response on a surface area. We are also in the process of doing further research to set standards and make recommendations of optimal maintenance of both dirt and synthetic surfaces. This work was funded initially by the America Quarter Horse Association, and more recently by a grant from the Grayson Jockey Club Research Foundation, as well as contributions from selected racetracks.

I am chair of the track surface subcommittee that developed out of the welfare summits, and we recently voted to establish a laboratory to provide individual analysis of both dirt and synthetic racetrack surfaces to give the feedback back to the superintendents of the racetracks.

The third area, of course, is medication, which has been discussed previously by the previous panel. The American Association of Equine Practitioners initiated and coordinated our industry's first ever racing medication summit in 2000. From this summit came the formation of the Racing Medication and Testing Consortium, and its mission is moving the racing industry to uniformity in the areas of medication policy, testing, security, and penalties. To date, 32 of 38 States have banned all race-day medication except the antibleeding medication Lasix. This policy was initiated by AAEP, whose main goal is the health and welfare of the horse.

More recently the RMTTC wrote a model rule to regulate anabolic steroids and recommended adoption by January 1, 2009. The new safety committee formed by the Jockey Club has already adopted this policy. And as you heard previously, 11 out of 38 States have already adopted this policy.

In summary, these are three critical issues from my perspective as an equine orthopedic surgeon and researcher that are critical and are positive. These issues among many others have already been worked on, and there is ongoing progress in them. As veterinarians we continue to promote the health and welfare of every equine athlete. Thank you.

Mr. HILL. Thank you.

[The prepared statement of Dr. McIlwraith follows:]

STATEMENT OF DR. WAYNE MCILWRAITH

Before the
**SUBCOMMITTEE OF COMMERCE, TRADE AND
CONSUMER PROTECTION**
COMMITTEE ON ENERGY AND COMMERCE HEARING ON

“BREEDING, DRUGS, AND BREAKDOWNS:
THE STATE OF THOROUGHBRED HORSERACING AND THE WELFARE OF
THE THOROUGHBRED RACEHORSE”

June 19, 2008

INTRODUCTION

By way of introduction I am Professor of Surgery and Director of the Gail Holmes Equine Orthopaedic Research Center at Colorado State University. I also hold the Barbara Cox Anthony University Endowed Chair in Orthopedics at CSU. I consult world-wide as an equine orthopedic surgeon and therefore am involved in the immediate repair and treatment of equine musculoskeletal injuries, as well as trying to find better answers for both fatal orthopedic injuries, as well as day to day orthopedic problems in the horse through our research program at CSU. I am also a past-President of the American Association of Equine Practitioners and the American College of Veterinary Surgeons (the Specialty Board for Veterinary Surgery). I participate in the AAEP “on call” program and Dr. Larry Bramlage and I act as the AAEP “On Call” veterinarians at the Annual Thoroughbred World Championships/Breeder’s Cup races. I also participated in the Grayson-Jockey Club Foundation sponsored Welfare Safety Summits in October 2006 and March 2008 and am Chair of the Subcommittee on Race Track Surfaces.

This collective experience is the basis for my statements and comments that follow. I will restrict my comments to areas where I either have some expertise or research

findings, clinical experience or consensus of my peers. There are two parts to my discussion on each issue.

1. Factors that are purported to be of significance to the welfare of the Thoroughbred race horse.
2. What we have been doing and are doing to decrease injuries through research and strategic planning.

Thoroughbred horses can suffer catastrophic injuries during racing or training. This wastage was first recognized in the literature twenty-five years ago. Severe physical demands are placed on the musculoskeletal system of horses during the high-speeds reached during racing and training. Because of the importance of musculoskeletal injury there has been considerable interest in studying factors that predispose to such injuries and efforts have been directed to this area since the mid-1980s. The Mission Statement of the Orthopaedic Research Center at Colorado State University is to investigate the pathogenesis, diagnosis, treatment and prevention of musculoskeletal disease and injury for the betterment of both animals and humans. We have five research focuses and all of them are relevant to the issue of the welfare of the racing Thoroughbred. They include:

1. Joint tissue healing
2. Early diagnosis of bone and joint disease
3. Continued development of novel therapies for traumatic synovitis, capsulitis and osteoarthritis in the horse
4. Improvement in the understanding of the pathogenesis of exercise-induced traumatic disease

5. Investigation of rehabilitation and physical therapy techniques for musculoskeletal disease.

FACTORS OF SIGNIFICANCE OR RELEVANCE TO MUSCULOSKELETAL INJURY

1. Racing Thoroughbreds Have Fewer Starts Now Than Previously

There has been a working hypothesis that Thoroughbreds are less sound and durable than before. The evidence is that there are fewer starts per horse and shorter careers now. In 1950 Thoroughbreds in the United States and Canada raced an average of 10.9 times per year. By 1960, that average peaked at 11.31 races per year. By 2007 it had fallen to 6.31 races per year. Some believe this is evidence that the Thoroughbred breed is weakening. Certainly, such data implies that racing Thoroughbreds are less durable, but factors such as increased competition demanding increased levels of training and more stress on the musculoskeletal system also have to be considered. A global approach to examine all possible factors for the decreased number of starts is appropriate.

2. Racing 2-year Old Horses

A common opinion advanced in recent weeks (and indeed many years prior to that), is that the solution to musculoskeletal injury in the racing Thoroughbred is eliminating 2-year old racing. The Jockey Club recently released data retrospectively looking at the 1997 Thoroughbred foal crop in North America (Steeplechase racing excluded):

Total Numbers Followed

NA Starters	2-year old	3-year old	4-year old and up
23,031	10,920	9,861	2,250

Average lifetime starts according to age when first started

2-year old	3-year old	4-year old and up	Overall
24.58	8.66	12.32	20.85

Average lifetime starts when first started as 2-year old (excluding starts as a 2-year old): 21.04

This last figures provides evidence that the horse's career after its 2-year old year, when started as a 2-year old, was still superior (and considering number of lifetime starts) compared to horse's that were started at 3 years of age or older.

In further support of these data, Drs Chris Kawcak and I at Colorado State University participated in a collaborative project in New Zealand (two collaborators from Massey University in New Zealand, two collaborators from the Royal Veterinary College in London and two collaborators from the veterinary school at Utrecht in Holland). The hypothesis of this research was that exercising foals and yearlings to strengthen their musculoskeletal system could improve their ability to stand up to the rigors of racing later. The results confirmed that, if done correctly, exercising the very young horse (and also exercising a 2-year old) is beneficial in strengthening the horse's musculoskeletal system and decreasing the risk of long-term injury. As background, it has been recognized for considerable time that when a horse goes into exercise (no matter what the age) there is necessary remodeling of the bones (and also the articular cartilage, ligaments and tendons) to increase strength. Initial work was done by Dr. Daniel Nunamaker at the

University of Pennsylvania finding that short, faster exercise could help decrease “bucked shins”, which are a manifestation of the remodeling process to strengthen bone. Results from New Zealand showed that foals which were cantered starting at 3 weeks of age and went through an increasing controlled exercise program up to 18 months of age showed improvement in the condition of the articular cartilage in the joint. Most importantly it was shown that there were no deleterious effects on bone, tendon, or any other musculoskeletal structure with this early exercise regime.

3. The Presence of Prior Damage Leading to Catastrophic Injury and Early Recognition of This Damage is Critical to Fracture Prevention

There is an accumulating body of evidence for the presence of microdamage (this term includes change associated with remodeling, as well as direct microcracks and diffuse damage in the matrix of the bone under the joint surface) leading to the catastrophic fractures that we see in the fetlock joint (these include condylar fractures and biaxial sesamoid fractures that cause collapse of the suspensory apparatus). These studies are summarized as follows:

- a) Recognition by Dr. Roy Pool at UC Davis that intra-articular fractures (fractures in the joint) were pathologic fractures i.e. they occurred in already diseased bone
- b) Recognition by Dr. Sue Stover at UC Davis based on examining necropsy material from the California Post-mortem Program that stress fractures lead to complete fractures in the humerus
- c) Experimental production of early microdamage with exercise in work done by Dr. Chris Kawcak and our group at CSU

- d) Initial demonstration by Dr. Chris Riggs and co-workers at the Royal Veterinary College in London that linear defects in the mineralized cartilage and subchondral bone in the palmar/plantar aspect of the parasagittal groove adjacent to the sagittal ridge of the distal metacarpus were closely related to change in ossification pattern in the subchondral bone and intense local remodeling. A striking relationship between these defects and bone sclerosis patterns and complete condylar fractures was made. It was concluded that these were another example of fatigue (or stress fractures) in the racing Thoroughbred.
- e) Recognition with computer tomography (CT) that these sclerotic patterns developed in the parasagittal groove area with exercise and that density gradients develop resulting in change in elastic modulus and a subsequent concentration of shear force in this region. Subsequent repair processes lead to a concentration of resorption space, further weakening the bone and predisposing to catastrophic fracture. Recent work at CSU by Drs Marty Drum and Katja Duesterdieck has demonstrated our ability to follow these changes with CT.

Based on these findings further research in three areas is ongoing.

- 1) *Investigation of factors that might influence pre-disposition to these fractures in a given horse- Examples of these include:*
 - i) Joint and muscle modeling. Our group at Colorado State University is collaborating with Dr. Marcus Pandy at the University of Melbourne (an engineer who has modeled the human knee and modeled the forces on the carpus and fetlock joint in the forelimb of the athlete). This includes taking a

- multi-faceted approach involving kinematics (gait analysis), CT and MRI to calculate forces across the joint, as well as muscle forces. The working hypothesis is that certain conformations could pre-dispose to injury and these conformations could be manipulated in the clinical patient.
- ii) Work at UC Davis by Dr. Sue Stover also involving modeling, particularly of the suspensory apparatus (relevant to fractures of the sesamoid bones) and also involving an instrumented shoe to evaluate forces objectively.
 - iii) A project currently funded by the Horseracing Betting and Levy Board in England, as well as the Grayson-Jockey Club Research Foundation being done at CSU and the University of Liverpool looking at joint congruency in horses that are fractured with a hypothesis that individual variation and joint congruency (evaluated with finite element modeling) could identify horses predisposed to these injuries.
 - iv) Genetic work being done at the Animal Health Trust in Newmarket on SNP Analysis (genetic profiling) of horses that fracture compared to horses that don't fracture.
- 2) *Exercise may manipulate the musculoskeletal system in early ages to make it stronger and decrease the susceptibility to injury (discussed above).*
- i) A critical question we are trying to answer in the Global Equine Research Alliance (CSU, Massey University New Zealand, Royal Veterinarian College London, Utrecht Holland) is what is the optimal level of exercise (and when

should it be applied) to have optimal bone remodeling and prevention of injury?

3) *Early diagnosis of microdamage*

- i) Work has been ongoing at CSU with imaging techniques, as well as with fluid biomarkers for the past 10 years. It is well-recognized that nuclear scintigraphy (bone scan) has been used to pick up stress fractures in the humerus, tibia and pelvis and early recognition of these has allowed prevention of numerous catastrophic fractures. These horses are identified by lameness that cannot be localized to the distal limb and the bone scan provides the definitive diagnosis (such fractures commonly cannot usually be diagnosed with radiographs).
- ii) The challenge is to identify the horse that is not lame but has microdamage present and therefore potentially has an incipient fracture. Although we can recognize the density gradients in the parasagittal groove of the fetlock joint (the initial problem that is associated with condylar fractures) with such modalities as CT (and probably also MRI) the problem is to get the horses routinely screened. The use of serum (blood) biomarkers offers the greatest potential to identify a horse at risk in a practical test.
- iii) The principal of fluid biomarkers is that the collagen and proteoglycan components of cartilage and bone breakdown early in the disease process. We have a platform of biomarkers (antibody tests) that can measure the levels of these breakdown products and therefore pick up early degradation and therefore detect early microdamage in cartilage and bone. Work is ongoing to

add genetic and proteomic biomarkers to this platform. We are currently working with a commercial company to develop a commercial panel that would be available to the equine industry. A number of papers have been published and there are also other papers in press that show that we can identify early damage in the cartilage and bone in the joints, we can distinguish changes in biomarkers with disease in exercised horses compared to exercise alone (biomarkers change with exercise).

- iv) In our most recent study funded by the Grayson-Jockey Research Foundation and done in racing Thoroughbreds in Southern California, we found that with sequential blood samples we could pick up changes in biomarkers 6 weeks prior to an injury occurring. Our accuracy in this study was approximately 70%. We are striving to work towards 100% accuracy with these tests. The future vision is that we could identify a horse at risk with monthly sample of serum biomarkers; if that horse has elevated biomarkers, the horse would then be subjected to nuclear scintigraphy and/or a CT scan to find the area of damage. The important factor here is the horse would be taken out of training; most of the microdamage can heal on its own and catastrophic fracture would be prevented.

4. The Role of Rest after Injury

As implied previously, although turn-out and no training has been commonly prescribed as the solution to a horse with injury, newer research questions this dogma. Controlled exercise is needed to keep bone and other musculoskeletal tissues in reasonable condition. While we are still low on the learning curve here, the advent of rehabilitation

programs including swimming, underwater treadmill and other regimens are now an important part to bringing horses back into race training.

5. Race Track Surfaces

For many years and in many instances, race track surface has been blamed for musculoskeletal injury in the horse. The recent advent of synthetic tracks has re-initiated a new level of blame on dirt race tracks. There is no question that we have an unacceptable rate of injury in the US. A paper published in the United Kingdom in 2004 cited the overall incidence of fatal distal limb fractures in all types of races to be 0.72/1000 starts (109 out of 151,901). The incidence was lowest in flat racing on turf with 0.38/1000 starts (29 out of 77,059) and highest in National Hunt Racing with 2.17/1000 (9 out of 417). Flat races run on all weather tracks had a higher risk of injury than flat races run on turf with 0.72/1000 (13 out of 18,178). A number of studies have been done in the US and most recently at the 2008 Welfare Summit; Dr. Mary Scollay data reported 1.47 deaths/1000 starts on synthetics and 2.07 deaths/1000 on dirt tracks. Synthetic tracks, at least based on this preliminary data, decreased fatal injury. In unpublished work by Dr. Jeff Blea and myself in Southern California we observed a significant reduction in non-fatal bone and joint injuries.

On the other hand, synthetic tracks have not served as a panacea and continued work is needed on optimal maintenance of these surfaces. Careful research needs to be done and is ongoing for objective evaluation of these tracks, relating it to real results and defining the optimal methods of track maintenance for the superintendants (including dirt,

synthetics, and turf surfaces). Ongoing research has shown that all synthetic tracks, for instance, are not equal. There is variability and the need for careful analysis maintenance methods. Some manufactures have more experience than others. Ongoing research is a critical part of this effort and clarification of what is real compared to anecdotal.

While anecdotal associations have been made between race track characteristics and incidence of musculoskeletal injury, few scientific studies have been performed. One study in Minnesota made an association between vertical impact to characteristics of the dirt race track and injury (Robinson *et al* 1988, Clanton *et al* 1991).

Proper investigations of tracks require quantitative information describing the surface. Previous track measurements have used some type of light-weight drop test apparatus. The vertical component considered in these studies is the primary force. A second essential element of loading during motion of the horse is horizontal, which depends on the shear strength of the track surface. Dr. Mick Peterson at the University of Maine and myself have been involved in developing tests that would reproduce the loads and speeds of a horses hooves at a gallop and measure the response on a small surface area. As depicted in Figure 1, a specialized system was designed with a hoof shaped impactor (Peterson *et al* 2004) that reproduces the hoof velocity in vertical and horizontal directions and the effect of mass at the moment of impact at a gallop. Sensors on the device record the loads and decelerations on impact with the ground. The system measures the effect of the deeper track layers on the impact load on the hoof. A preliminary study to evaluate the effects of track maintenance procedures that are

commonly used in the western and southern United States on the mechanical properties of the track that are relevant to hoof impact has recently been accepted for publication in the *Equine Veterinary Journal*.

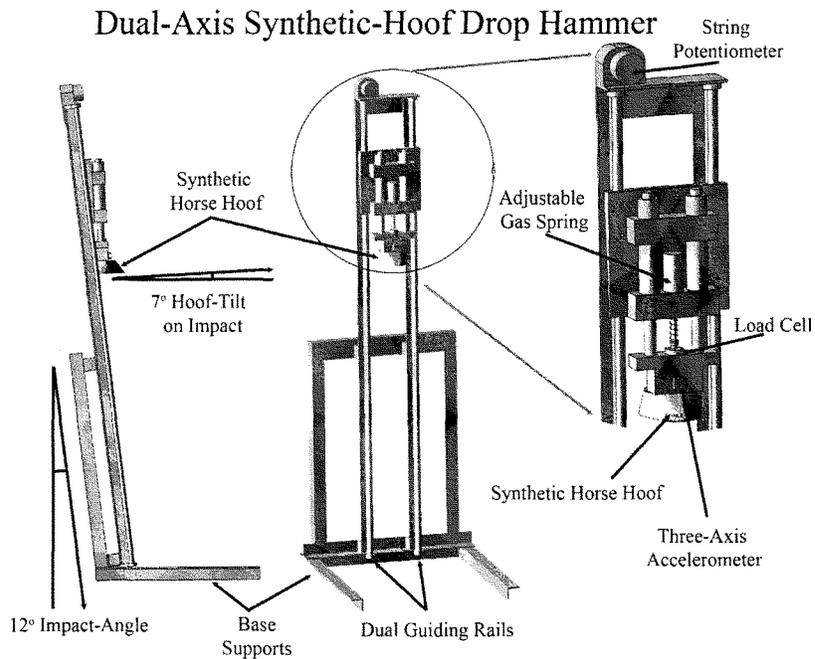


Figure 1: The system shown was developed to replicate loading of the hoof on a track. Figure from Peterson ML and McIlwraith CW. Effective track maintenance on mechanical properties of a dirt race track: A preliminary study. *Equine Vet J* 2008 in press.

In addition, Dr. Peterson has developed a method of measuring the base of the dirt or synthetic race track in terms of slope, as well as irregularity (presence of holes and steps) that has already been used in the practical arena to evaluate race track problems.

The development of both these techniques was initiated before the advent of synthetic tracks to try and support race track management in validating a track as “safe”. Since the advent of synthetic tracks, there has been considerable interest in objective comparison of these surfaces. Such testing mechanisms are a critical part of evaluating tracks objectively rather than anecdotally. Currently an algorithm for testing is being instituted that also involves testing individual track materials with X-ray diffraction and the Welfare and Safety Subcommittee on Track Surface recently voted to develop a laboratory to provide this service to race tracks.

Additional work that has recently been completed is evaluation and change with the Polytrack surface with temperature and how that can be manipulated, as well as the evaluation of the variability within a surface. Monitoring forms have recently been developed for use of dirt, synthetic and dirt tracks. The other significant part of this major research commitment, is epidemiologic data to validate the testing and the characterization of the “ideal” race track with injury rate. In Figure 2 below a chart of the tests which is proposed to manage race track racing surfaces is shown.

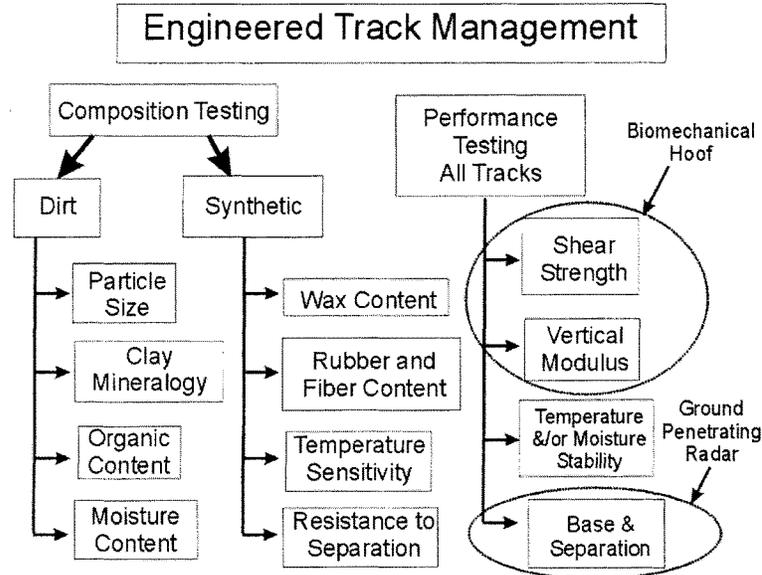


Figure 2: A chart of the tests which can be used to manage racing surfaces.

6. Medication

Medication and more particularly, over-medication have frequently been blamed for our problem. The concept of “the over-medicated, steroid-enhanced horse that is not as sound as before” has been recently espoused. Anabolic steroids are the most recent focus, but we went through a similar situation with the anti-inflammatory drugs and corticosteroids in the mid-1980s. At that time associations had been made in the press to the extent that some people felt that any horse suffering a catastrophic injury must have been injected with corticosteroids. Research in our laboratory examined each of the commonly used corticosteroids and found that two out of three of the common ones were indeed beneficial to joints, but one was deleterious to the articular cartilage. Examination

of that corticosteroid, as well as one of the beneficial ones regarding effect on bone found that neither had deleterious effects on the bone.

Anabolic steroids are currently being addressed specifically by the industry and discussed by other speakers today. It is to be noted that there have been extensive ongoing efforts and history in the area of needed medication. Veterinarians are the primary advocates for the health and safety of all horses involved in racing and are uniquely qualified to lead the discussion on the use of therapeutic medications. Therapeutic medications are legal prescription drugs used to heal or cure medical conditions affecting the horse. The use of therapeutic medication in racehorses is a complex issue. As stated in the AAEP's position on therapeutic medications in racehorses (2000), "In order to provide the best healthcare possible for the racehorse, veterinarians should utilize the most modern diagnostic and therapeutic modalities available in accordance with medication guidelines designed to ensure the integrity of the sport. To this end the following are the essential elements of AAEP policy concerning veterinary care of the horse:

- a) All racing jurisdictions should adopt uniform medication guidelines, testing procedures with strict quality controls and penalty schedules that strive to protect the integrity of racing, as well as the well-being of the horse.
- b) Stimulants, depressants and local anesthetics or other numbing agents present in a horse at the time of racing should be strictly forbidden.
- c) Product present in the horse present at the time of race that has been proven to interfere with accurate and effective post-racing testing should be strictly forbidden.

- d) No medication should be administered on the day of race with the exception of furosemide (Salix™). In the absence of a more effective treatment of exercise-induced pulmonary hemorrhage, the AAEP supports the use of furosemide as a day-of-the-race medication for certified bleeders.

Further evidence of the AAEP and its members having a long history of leadership on these issues, the AAEP initiated and coordinated the industries first ever Racing Medication Summit in 2001 (I introduced this meeting as newly elected President). A diverse group of representatives from Thoroughbred, Quarter horse and Standardbred organizations came together with the goal of moving the racing industry to a position of uniformity in the area of medication policy, testing, security and penalties. From this Summit came the formation of the Racing Medication and Testing Consortium (RMTC), an industry supported and dynamic organization that is pursuing policy uniformity on the national level. Dr. Robert Lewis, an AAEP past-President in the current chair of the Consortium.

The Consortium meets four times a year. Thirty-two of 38 states have banned all race day medications, except the anti-bleeder medication Salix™. More recently the Racing Medication and Testing Consortium have suggested that all racing jurisdictions adopted a model to regulate anabolic steroids by January 1, 2009. Three states have already adopted the rule and others are moving the process along. The RMTC, which has no regulatory authority, wrote the model rule in conjunction with the Association of Racing Commissioners International. The use of 1 of 4 anabolic steroids shall be permitted

under the following conditions: Not to exceed the following permitted urine or plasma permitted concentrations. It spells out cut-off times for use of the four steroids which have valid therapeutic purposes and any other anabolic steroids prohibited to be administered.

- (1) 16 β -hydroxystanozolol (metabolite stanozolol [Winstrol])- 1 ng/ml in urine
- (2) Boldenone (Equipose) in male horses other than geldings; including Free Boldenone and Boldenone liberated from its conjugates)- -15 ng/ml in urine
- (3) Nandrolone- 1 ng/ml in urine
- (4) Testosterone
 - (a) in geldings- 20 ng/ml in urine
 - (b) in fillies and mares- 55 ng/ml in urine
- (5) Any other anabolic steroids are prohibited to be administered
- (6) The presence of more than 1 of the 4 approved anabolic steroids in any concentration is not permitted.
- (7) Post-race urine or plasma samples collected from intact males must be identified in the laboratory
- (8) Any horse to which an anabolic steroid is being administered in order to assist in the recovery from illness or injury may be placed on the veterinarian list in order to monitor the concentration of the drug in urine. Once the concentration is below the designated threshold, the horse is eligible to be removed from the list.

With the 30- to 45-day cut-off before a race, the steroid would be effectively banned from use on race day. As was recently stated by Dr Rick Arthur, an AAEP past-President and Medical Director of the California Horse Racing Board, "Horses around the world race without anabolic steroids and very successfully. In terms of the sport, I doubt many people are aware that we don't regulate anabolic steroids. It is going to be difficult to convince the public that Barry Bonds can't have them, but these animals need them. It is something the racing industry is going to have to face and is facing, I think quite successfully".

ONE PAGE SUMMARY OF TESTIMONY OF DR. WAYNE MCILWRAITH

June 19, 2008

SUMMARY

I am commenting on a number of areas that can make a difference regarding the incidence of catastrophic fractures in the Thoroughbred race horse.

1. **Racing Thoroughbreds have fewer starts now than previously.**
2. **Racing 2-year old horses.** - New data shows that horses started as 2-year olds were still superior in terms of average lifetime starts compared to horses started as 3-year olds or older.
3. **The presence of prior damage leading to catastrophic injury and early recognition of this damage is critical to fracture prevention.** - There is an accumulating body of evidence for the presence of microdamage leading to catastrophic fractures. These studies will be summarized. Based on these findings, further research in three areas is ongoing:
 - a. Investigation of factors that might influence pre-disposition to these fractures in a given horse, including joint and muscle modeling to calculate forces and genetic analysis.
 - b. How exercise can manipulate the musculoskeletal system at early ages to make it stronger and decrease the susceptibility to injury.
 - c. Early diagnosis of microdamage with blood biomarkers and novel imaging techniques is key for prevention.
4. **Resting horses after injury in not necessarily the best treatment.** - It is now known that controlled exercise is needed to keep bone and the musculoskeletal tissues in reasonable condition.
5. **Race track surfaces** - Objective methods of evaluating the consistency of race track surfaces are now available and are being used to set standards and make recommendations of optimal maintenance of both dirt and synthetic surfaces.
6. **Medication** - There have been ongoing efforts by the Racing and Testing Consortium to achieve uniform standards throughout the country. Most recently the RMTTC has recommended that all racing jurisdictions adopt a model to regulate anabolic steroids by January 1, 2009.

It is hoped that this paper provides a picture of the issues we face in trying to reduce attrition of the race track and also convey the message that the industry is actively addressing the problem.

Mr. HILL. Dr. Scollay.

STATEMENT OF MARY C. SCOLLAY, D.V.M., EQUINE MEDICAL DIRECTOR, KENTUCKY HORSE RACING AUTHORITY

Dr. SCOLLAY. Mr. Chair and committee members, good afternoon. I served as racetrack regulatory veterinarian for 20 years and will begin serving as equine medical director to the Kentucky Horse-racing Authority on July 8th, so you can either say I am on vacation or unemployed at the moment.

I want to talk for a minute about the role of the regulatory veterinarian at the racetrack. The regulatory veterinarian is charged with preventing injury; mitigating injury should it occur; and affording prompt, humane euthanasia when an injury cannot be mitigated. Very simply, my obligation was to the horse, and I answered to my conscience.

In order to fulfill my responsibility to the horse, my activities include pre- and postrace soundness evaluation; triage of racing injuries; medical recordkeeping; implementation of pre- and postrace testing programs; research collaboration with academic institutions; management of herd health; equine infectious disease and environmental disease issues; policy development and rulemaking, and liaison between horseman, racetrack management, governmental regulatory agencies, and private veterinary practitioners.

As the focus of this panel is racing injuries, the following is a basic description of race-day injury prevention measures taken by regulatory veterinarians. Morning prerace exams are performed on all entered horses. Horses are then monitored by a veterinarian from the time they arrive in the paddock until they have safely exited the course. And this would include observation during the post parade, any activity in the starting gate, during the race, after finishing, and prior to returning to their barns.

At any time up to the start of the race, the regulatory veterinarian has the authority to require a horse to be withdrawn for health, safety, or soundness concerns. And I can't help but think in hearing horses of the past being referenced today, and having read Laura Hillebrand's book on Sea Biscuit, that had he been entered in a race today, it is unlikely that the regulatory veterinarian on the track would have permitted him to run.

Horses with questionable status postrace are reevaluated in a follow-up exam, and any horse determined to be injured or unsound is declared to be ineligible to enter until the decision has been addressed to the satisfaction of the regulatory veterinarian. This protocol might be compared to an individual being accompanied through each workday by a risk assessment advisor and emergency care physician.

Racing regulatory veterinarians have maintained racing injury records for many years; however, there has been little commonality in the ways that records were established and maintained, making data analysis and information disclosure problematic. At the 2006 Grayson Jockey Club Welfare and Safety Summit, I presented a proposal for a national standardized on-track injury reporting program that would provide an objective scientific approach to addressing the emotionally charged problem of racing injuries. The program was initiated June 1, 2007. Sixty racetracks have com-

mitted to reporting in 2008, and this number represents all but three racetracks that were invited to participate.

The reporting racetracks represent a large number of race starts, but data submitted is representative of only those reporting tracks. To be a national program, all tracks must participate. Currently this program is voluntary, thus showing a consensus among the industry to participate, but reporting should be required for all premises that conduct pari-mutuel wagering on live thoroughbred racing.

Since inception and through June 15, 2008, 2,755 reports have been submitted. These reports reflect a wide range of conditions ranging in severity from minor abrasions to fatal injuries.

The on-track injury reporting program has been underwritten by the Jockey Club, and Incompass, a subsidiary of the Jockey Club Information Systems, has developed and will be launching a secure online reporting module. It is being provided as a service to the industry. There will be no user fees associated with reporting it to the database.

Industry support has been strong. RCI, HBPA, Jockeys' Guild, in addition to racing commissions, track management, individual owners and trainers, have endorsed the program. We will continue to reach out to them and others in our efforts to increase program participation. While initiated as a thoroughbred-specific system, the system is currently under review to identify data collection modifications that may be required for implementation in quarter horse racing.

Phase 2 of the reporting program has been initiated as a pilot program and expands reporting to include training, postrace detection and nonrace-related injuries. The collection of comprehensive and reliable data regarding training injuries is substantially more complex than that of race-related injuries; however, scientific studies indicate that catastrophic racing injuries are the result of cumulative events, therefore injury occurrence must be tracked comprehensively if precursors to catastrophic injuries are to be identified. Medication usage out of competition must also be scrutinized.

It is intended that this injury database will generate valid composite statistics that identify national injury rates. Beyond that it is hoped that this epidemiologic database will enhance injury prevention strategies. There is no end point for data collection. It is by design a standing program. With continued industry support this database will serve as a key scientific tool in protecting the health of the equine athlete.

Thank you.

Mr. HILL. Thank you, Doctor.

[The prepared statement of Dr. Scollay follows:]

The Regulatory Veterinarian

I served as a racetrack regulatory veterinarian for 20 years, having been employed as Association Veterinarian at Balmoral Park, Sportsman's Park, Arlington Park, Hawthorne Racecourse, Hialeah Park, Gulfstream Park and Calder Race Course.

My charge as a regulatory veterinarian is to prevent injury; mitigate injury should it occur; and afford prompt, humane euthanasia when an injury cannot be mitigated. Very simply, my obligation is to the horse and I answer to my conscience.

In order to meet my responsibilities to the horse, my activities include: pre- and post-race soundness evaluation; triage of racing injuries; medical record keeping; implementation of pre- and post-race testing programs; research collaboration with academic institutions; management of herd health, equine infectious disease and environmental disease issues; policy development and rule making; racetrack media representation; and liaison between horsemen, racetrack management, governmental regulatory agencies, and private veterinary practitioners.

The role of the racing regulatory veterinarian has dramatically expanded in recent years while, unfortunately, the number of regulatory veterinarians has not. Effective regulatory service requires a complex skill set and the racing industry must work creatively to attract and keep qualified individuals in these positions. Further efforts must be made to efficiently utilize their skills by delegating non-veterinarian specific tasks to qualified staff.

As the focus of this panel is racing injuries, the following is a general description of race day injury prevention measures taken by regulatory veterinarians:

- 1) Morning pre-race exams assess the horse in the stall and in motion.
- 2) Horses are monitored by a veterinarian from the time they arrive in the paddock until they have safely exited the course after finishing the race. This includes observation of all horses warming up pre-race, in the starting gate, during the race, after finishing and prior to returning to their barns. At any time up to the start of the race, the regulatory veterinarian has the authority to require a horse be withdrawn for health, safety, or soundness concerns.
- 3) Horses with questionable status post-race are re-evaluated later in the day and/or the following morning.
- 4) Horses determined to be injured or unsound are declared to be ineligible to enter to race until their condition has been addressed to the satisfaction of the regulatory veterinarian.

This protocol is comparable to an individual being accompanied through each work day by a risk assessment advisor and emergency care physician.

Injury Reporting

Racing regulatory veterinarians have maintained racing injury records for many years; medical record keeping is not a new concept. However, it became evident when Barbaro was injured in 2006 that there was little commonality in the ways that records were established and maintained. Regulatory veterinarians at racetracks across the country were asked questions about injury type, frequency, and outcome. They were questions for which answers did not exist.

A national, standardized on-track injury reporting program was needed. An objective, scientific approach would be necessary to responsibly address the emotionally charged problem of racing injuries. Speculation swirls around each racing injury and it is important to remember that the plural of anecdote is not fact. While individual factors have been offered (some proved, some posited) as sources of increased risk, it is important to remember that racing injuries are multifactorial in origin. The interaction between multiple factors may likely be more important in injury generation than the identification of any single factor.

At the 2006 Grayson Jockey Club Welfare and Safety Summit I presented a proposal for a national standardized on-track injury reporting program. Over the next several months I contacted regulatory colleagues to solicit their participation. They, in turn, went to their racetracks or racing commissions to promote the program and secure authorization to participate. The program was initiated June 1, 2007 with commitments from 25 racetracks. Within a few weeks of announcing its start, the number of participating tracks was 34. Racetracks that had not been approached to participate requested to be included.

60 racetracks have committed to reporting in 2008. This number represents all but 3 racetracks that were asked to participate. These tracks represent a large number of race starts, but data submitted is representative only of those reporting tracks. To be a national program, all tracks must participate. Currently this program is voluntary but reporting should be required for all premises that conduct parimutuel wagering on live Thoroughbred racing.

Since inception, and through June 15, 2008, 2755 reports have been submitted. These reports reflect:

- 1) pre-race scratches initiated by regulatory veterinarians, (AM exams or on track) due to injury or unsoundness
- 2) non-fatal injuries observed by regulatory veterinarians on-track or at post-race testing sites
- 3) fatal musculoskeletal injuries sustained racing
- 4) racing fatalities due to other than musculoskeletal injury

The on-track injury reporting program has been underwritten by the Jockey Club. Incompass (a division of The Jockey Club Information Systems) has developed a secure on-line reporting module that will be launched in the very near future. The on-

line reporting system is being provided as a service to the industry; there will be no user fees for reporting into the database.

Industry shareholders including the Racing Commissioners International (RCI), the Horsemen's Benevolent and Protective Agency (HBPA), the Jockeys' Guild have given strong support to this program. Many state racing commissions, racetrack managements, individual owners and trainers, as well as local industry affiliated groups have endorsed the program. We will continue to reach out to them, and others, in our efforts to increase program participation.

The on track injury reporting program was initiated as a Thoroughbred specific system. Currently the system is being reviewed to identify data collection modifications that may be required for implementation in Quarter horse racing.

Phase 2 of the reporting program has been initiated as a pilot program and expands reporting to include training, post-race detected, and non-race related injuries. The collection of comprehensive and reliable data regarding training injuries is substantially more complex than that of race-related injuries. Scientific studies indicate that catastrophic racing injuries are the result of cumulative events, injury occurrence must be tracked comprehensively if precursors to catastrophic injuries are to be identified.

It is intended that this injury database will generate valid, composite statistics that identify national injury rates. Beyond that, it is hoped that this epidemiologic database will allow the identification of markers for horses at increased risk of injury and enhance injury prevention strategies. There is no end-point for data collection; this is by design a standing program. Over time, and as the database increases in size, it will be possible to investigate interactions between identified risk factors and ask more sophisticated questions with regard to injury prevention. With continued industry support this database will serve as a key scientific tool in protecting the health of the equine athlete.

The following is a list of tracks participating in 2008:

Aqueduct
Arlington Park
Bay Meadows
Bay Meadows Fair
Belmont Park
Calder Race Course
Canterbury Park
Churchill Downs
Colonial Downs
Del Mar
Delaware Park
Delta Downs
Ellis Park

4

Emerald Downs
Evangeline Downs
Fairgrounds
Fairmount Park
Fairplex
Finger Lakes
Fonner Park
Fresno
Golden Gate Fields
Gulfstream Park
Hawthorne Race Course
Hollywood Park
Hoosier
Humboldt Fair
Indiana Downs
Keeneland
Kentucky Downs
Laurel Park
Lone Star Park
Los Alamitos
Louisiana Downs
The Meadowlands
Monmouth Park
Northlands Park
Oak Tree at Santa Anita
Penn National
Philadelphia Park
Pimlico
Portland Meadows
Prairie Meadows
Presque Isle Downs
Remington Park
Retama
Sam Houston
Santa Anita
Santa Cruz @ Sonorita
Santa Rosa
Saratoga
Solano (Vallejo)
Stampede
Stockton
Suffolk Downs
Tampa Bay Downs
Timonium
Thistle Down
Turfway Park

Testimony of Mary C. Scollay

5

Woodbine
Woodlands
Yavapai

Shoeing information identifies shoeing of the injured leg(s).

Please complete the injury section using the keywords provided on the second sheet. This will permit data searches based on specific diagnoses. If a diagnosis is not available, do not speculate. It is understood that there may be limited ability to follow up on some cases—i.e. ship-ins. Please note that there may be multiple injuries to a single limb or injuries to multiple limbs. Please indicate them separately as shown below.

	Limb	Category	Anatomic Region	Site	Injury Description
A	LF	Joint	Fetlock		Disarticulation closed
B	LF	Fracture	Distal Limb	Ses-bi-ax	Comminuted
C	LF	Soft tissue	Flexor tendon	SDF/DDF	Rupture
D	RF	Other			Grabbed 1/4

Triage Scoring is an attempt to identify case clinical presentation. Scoring is as follows:

- 0 No lameness observed on track
- I Grade III or less lameness, no obvious limb deformity/deviation
- II > Grade III lameness, no obvious limb deformity/deviation
- III Mild to moderate limb instability in 1 plane (closed injury)
- IV Severe instability in 1 plane (closed injury)
- V Severe instability in 1 plane (open injury); Severe instability in 2 or more planes (open or closed injury); open injury to joint or tendon, down horse

Stewards' Action—Pertains to objection/inquiry associated with the injured horse. If no inquiry/objection or if inquiry/objection is not associated with the injured horse, mark NA.

Prognosis: The subjective opinion of the regulatory veterinarian and/or the attending veterinarian

Outcome: Objective information based on actual case outcome

Send completed forms to:

Mary C. Scollay, DVM
Calder Race Course
PO Box 1808
Miami, FL 33055-0808

Please plan to send submissions no less frequently than once a month to permit prompt data entry and avoid end-of-the meet/year data pile ups.

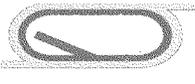
If you have any questions, please contact me at: (305) 799-5049 or scollayvet@aol.com
Thank you again for your support of this project.

Limb	Injury Category	Anatomic Region	Site	Injury Modifiers				
LF RF LH RH BF BH All 4 Unknown NA	UNKNOWN							
	FRACTURE	Distal limb	Sesamoid-med Sesamoid-lat Sesamoid-biax MC ₃ / MT ₃ Carpals bones P ₁ / P ₂ P ₃ Splint-med Splint-lat Tarsal bones	Chip Condylar Cortical Oblique Slab Spiral Transverse	Incomplete Comminuted Displaced Non-displaced Closed Compound Degloved			
				NON-FRACTURE	Long bone	Humerus Femur Radius/Ulna Tibia	Lateral Medial Saggital Proximal Distal Mid	Dorsal Palmar Plantar Apical Basilar
					Axial skeleton	Skull / Spine Pelvis		
	SOFT TISSUE	Suspensory	Medial branch Lateral branch Body / Origin Check ligament Distal Ses. Lig	Proximal 1/3 Middle 1/3 Distal 1/3 Dist. to fetlock Origin	Desmitis Tendinitis Bow Avulsion Failure / Rupture Lacerated/Severed			
					Tendon Tendon Sheath	SDF DDF CDEXT	Strain Myalgia/Myositis Reinjury	
					Muscle _____ Other _____			
	JOINT	Fetlock Carpus Interphalangeal Stifle Hock Other _____	DJD / OA Subluxation / Luxation Disarticulation Open / Closed D/P instability M/L instability					
	OTHER-MS		Laceration Puncture Grabbed ¼ Other	Run down sore Hematoma Foot bruise				
	NON-MS		Post exertional distress / Heat Stroke Synchronous dia. Flutter Cardiac arrhythmia EIPH—external hemorrhage Sudden Death Other _____					
Triage Scoring								
0	No lameness observed on track							
I	Grade III or lower lameness; no obvious limb deformity							
II	>Grade III lameness; no obvious limb deformity							
III	Mild to moderate limb instability in 1 plane; closed injury							
IV	Severe instability in 1 plane; closed injury							
V	Limb instability in 2 or more planes / loss of column of support (open or closed); open: fx/joint capsule/tendon sheath							

Date: _____ / _____ / _____ Track: _____ Race: _____
 Horse: _____ Trainer: _____
 Reporting Veterinarian: _____ Attending Veterinarian: _____

CASE #: _____							
Surface	Class/Condition	Distance	Field Size	Age*	Weight Carried	Residence Status	Intervals
Dirt	Claiming Price \$ _____	One turn: < 4 1/2 f 4 3/4 f	Final Time	(Month)	Post Position	Ship-in	Previous start to injury: _____ days
Synthetic	Price factor _____	5 f				>1 < 10 days	
Turf	Maiden: Beaten Open	5 1/2 f 6 f 6 1/2 f	Placing	Sex	Class	Resident	Previous work to injury: _____ days
Condition	Allowance	7 f 7 1/2 f				Started Y N Finished Y N	Class
Fast	MSW	> Mile	Colt Horse Filly Mare	No change NA	by _____	DQ: NA	Injury to first work: _____ days
Good	NWX	Two turns: 6 f	Coat Gelding				
Muddy	NWS	6 1/2 f	Jockey	Life Starts	Speed Figs	Last Pub Work	Injury to first race: _____ days
Sloppy	STR	7 f	Apprentice	Wins	Life Earnings	Distance/Cond.	
Wet Fast	Price factor _____	7 1/2 f	Journeyman	Injured: Y N	Claim History—previous 6 months	Time _____ Rank _____	
Firm	Stake	Mile	0 1 2 3 >3				
Good	Purse: \$ _____	1 mile 70 yd 1 mile 1/16					
Yielding	Overnight	1 mile 1/8					
Soft	Non-graded	1 mile 3/16					
Off Turf	Grade 3	1 mile 1/4					
	Grade 2	1 mile 1/2					
	Grade 1	1 mile 3/8					
	Handicap: Y N	> 1 mile 3/8					

Limb	Category	Anatomic Region	Site	Injury Description
A				
B				
C				
D				

RACING	INCIDENT RELATED INFORMATION	TRIAGE SCORE	INJURY MANAGEMENT	EMERGENCY MEDICATIONS
 <p>XX—Gate Location X—Site injury first observed</p>	Lost rider Ran loose Equipment failure Crippled heels Stumbled Fell Collapsed Ducked Bolted Failed to maintain course Contact w/ other horse Impeded Checked Contact with rail / gate / vehicle Flipped Other _____	_____ STEWARDS' ACTION NA Jockey—foul claim Stewards—inquiry DQ: Y N	NONE Kinzoxy salint Compression boot Robert Jones Sdg Ext. stabilization, other _____ Sling Rescue Sted Ambulance Other _____	NONE Acepromazine Butorphanol Detomidine Xylazine Pred sodium succinate NSAID Other _____
	NON-RACING Pre-race: Official Veterinarian Scratch AM Paddock / Post Parade / Gate Soundness / injury / other _____ Post race: Past wire / Returning After unsaddling Detention Barn Other: _____	OUTCOME Non-fatality Career Ending Injury Y N Unknown Fatality Euthanized (<72 hrs post injury) Died Unknown	COMMENTS	

Mr. HILL. The panel should know that in about 5 to 20 minutes, somewhere there, we are going to be called for votes. So we will see how this comes along, and we will make decisions as facts present themselves.

Ms. Conrad.

**STATEMENT OF ALLIE CONRAD, EXECUTIVE DIRECTOR,
CANTER MID-ATLANTIC, GAITHERSBURG, MARYLAND**

Ms. CONRAD. Thank you, Congressman Hill and members of the committee. I am honored to be here to speak on behalf of the horses that you do not see on TV, those running on the bottom of the low-level claiming tracks. I am here to point out the issues we see every day so that they can be discussed by the esteemed members of this panel and resolved through an independent oversight agency.

I am sure you are wondering what qualifies me to be sitting here amongst these panelists. I am qualified to be here because I rehabilitate and rehome racehorses from what is thought to be one of the most infamous tracks for breakdowns in the country, Charles-town, just 90 minutes from where we sit. I am qualified to be here because I touch these animals every day. I see the condition they are in every day. I am qualified to be here because I must make the heartbreaking decision to turn them away from our organization due to lack of financial resources.

One thing made very clear to me is that racehorses are not protected from horrific ends by their pedigree. They are not protected by their high sales price at the auctions. They are certainly not protected by the money they win for owners.

You can take a minute to look at the racing chart of this horse, 11-year-old horse, running. He has been running his entire life. His name is Ask the Lord. A year ago he was running for \$55,000 per race. He is now running for \$7,500 and is most certainly running on injected joints. He will run again, and he will run again, and he will run again until he breaks down, in my opinion. He has been claimed and claimed and claimed. It is a terrible, terrible thing.

We have cared for and rehomed sons and daughters of Derby winners. We have rescued horses who have won \$1 million. None of it mattered once they could no longer perform.

The only thing that protects a racehorse from a horrific death is having the good fortune of being owned and trained by caring, honest people. And there are caring people in this sport. And while I would like to acknowledge and thank these people, we are not here to talk about them. We are here to discuss the people that do not care, the people ruining what used to be the Sport of Kings. They are running their horses on injected joints to hide fractures. They are using claiming races to dump crippled horses. They are dumping their horses into low-end auctions when they can no longer perform.

I have stood next to too many of these horses mangled by irresponsible decisions and have had them euthanized. These horses were not injured from a freak accident or a tragic misstep. They were injured over time with the assistance of trainers, owners and veterinarians. These horses were injected with legal and illegal substances, both anabolic and catabolic steroids—that would be

cortisone EPO, very highly illegal—race-day painkillers, and diuretics. They raced on fractures masked by joint injections, and they raced to exhaustion, but they always run as fast as their bodies will allow. It is the nature of the racehorse.

I would like every person in this room to take a moment today to read the handout I have provided looking at our Michigan horses that we have euthanized. You can see the lives that were wasted. This is not speculation or hearsay; this is hard evidence of what is happening to our horses, and it is applicable to every low-level track in this country.

Perhaps the most disturbing part of our hard work is that we are trying our best to clean up racing's mess without financial support from the racing industry itself. An informal poll of five different nonprofits revealed that less than 5 percent of our funding came from racing itself. Consider this: The rehoming groups, there are several of them, many of them, thank goodness. We need more. They receive less than 5 percent from a multibillion-dollar industry to care for the horses that they have made their living from.

Racing is not bothering to take care of its own horses, and they are allowing the public, often not even racing fans, to take care of the problems. This must change. It should be an owner's responsibility to provide veterinary or surgical care when they injure a horse through racing. It should be their responsibility to maintain that horse during its rehabilitation. Funds to care for these animals, if they do not come from the owner and trainer, need to be set aside through some mechanism such as starting fees or percentage of purses. Caring for these animals should not be an afterthought, it should be the first thought.

Racehorse rehoming programs are too scarce in this country. It is time to put programs in place at every track in the United States. It would not be difficult to do. To do anything less is a disservice to the horses and to the people who want the options to do the right thing.

The New York Times article published on June 15th states that over 3,000 horses died at racing facilities in 2007. That included many breeds; however, not every track was reporting. I would like to respectfully object to this number. Nowhere are they accounting for the horses that pulled up, vanned off, and got sent to the sales. They are not accounting for the animals whose ironic misfortune was to die in my barn instead of the racetrack when X-rays of their joints revealed the abuses they have suffered were irreparable.

This is happening daily, and this needs to stop. I am here to speak for the horses who cannot speak for themselves, and I am here to represent every group in this country dedicated to their welfare. I am here to implore racing to address this issue.

Thank you.

Mr. HILL. Thank you, Ms. Conrad.

[The prepared statement of Ms. Conrad follows:]

Racing Briefing—Presented by Allie Conrad

Good Morning. My name is Allie Conrad, I am the Executive Director for CANTER Mid Atlantic, one of many Non-Profit racehorse re-homing agencies in this country. I am honored to be here to speak on behalf of the horses that you do not see on TV—The horses running at the bottom of the barrel, the horses at low-level claiming tracks. Today I'm going to talk about several issues we face when dealing with the end of a thoroughbreds racing career. I'd like to make clear that most of us have loved racing our entire lives. We are not zealots, we are not anti-racing, we just want the industry to take better care of the animals they make a living on

I am here to point out the issues we see EVERYDAY, so that they can be discussed by the esteemed members of this panel and resolved as they are in every other sport in this country -- through an independent oversight agency.. I began CANTER Mid Atlantic in the year 2000, with the help of JoAnne Normile who started the flagship organization in Michigan. For the past eleven years, the eight CANTER organizations have worked to move over 5000 horses off of the track and into new homes both by offering a free advertising service for healthier racehorses at the end of their careers and by taking in the less fortunate victims of this industry. We are one group of many doing this work out there today.

I am sure you are wondering who I am, and what qualifies me to be sitting amongst these esteemed panelists. I am qualified to be here because I rehabilitate and re-home racehorses from what is thought to be one of the most infamous tracks for breakdowns in the country, Charles Town --just 60 minutes from where we sit today.

I have personally visited the Charles Town barns on average of 40 Saturdays a year, for the past 8 years, and my team of volunteers is present nearly every weekend.

I am qualified to be here because I touch these animals everyday. I see the condition they are in Every. Day. I am qualified to be here because I must make the heartbreaking decision to turn horses away from our organization every day due to lack of financial resources.

One thing that was made very clear to me early on is that racehorses are not protected from horrific ends by their pedigree. They are not protected by their high sales price at the High-End Auctions. They are certainly not protected by the money they win for owners.

We have cared for and re-homed sons and daughters of Derby, Preakness and Belmont Winners. We have saved horses who were purchased in excess of

100,000\$ only months before. We have rescued horses who have won over half a million dollars. None of it mattered once they could no longer perform. The only thing that protects a racehorse from a horrific death is having the good fortune of being owned and trained by caring, honest people.

And there ARE caring people in this sport. There are people that ensure the well being of their charges is the utmost importance. While I'd like to acknowledge and profusely thank these people, we are not here to talk about them, except to note that if there were more of them, we would not be here today. Instead we are here to talk about the dark side, the people who do not care, the people ruining what used to be the Sport of Kings. The people who are running their horses on injected joints to hide fractures, the people using claiming races to dump their crippled horses. The people who send their hard-working racehorses off to the kill pens on sore and broken bodies, collecting a paltry \$300, rather than spending that small amount to give that same horse a more dignified, peaceful ending

Consider these statistics from our first CANTER Program in Michigan, which started in 1997. They humanely euthanized 41 horses in 2007 alone after removing them from the racetrack. This program alone actively spends over \$50,000 per year on surgeries to restore those more fortunate horses to a serviceable career.

CANTER Mid Atlantic is currently home to 15 ex-racehorses, and over 60 have passed through our hands in 3 years. We have taken 15 of those 60 horses, only to use our funds to euthanize them because their racing injuries were too severe to recover from. Over the course of a year I see hundreds of horses whose only recourse at this point in their careers is euthanasia, but we can only afford to take in a fraction of them.

These horses weren't injured from a freak accident or a tragic misstep. They were injured over time with the assistance of trainers, owners and veterinarians--all who should have put the horse's welfare as a higher priority. Like horses all over the country, these horses were injected with legal substances--both anabolic and catabolic steroids (cortisone), race day pain killers, and diuretics. We see the horses that pass through the claiming ranks and through multiple owners. The subsequent repeated use and abuse of these drugs on these horses is catastrophic. Worse, the legal drugs mask the use of the illicit drugs in these horses, which include EPO and cobra venom. The result? Bone-on-bone arthritis, multiple inoperable bone chips, ligaments and tendons completely torn away from the structure they once supported. They raced on fractures and they raced to exhaustion, but they always ran as fast as their bodies would allow. But even the small mercy of a peaceful death was one their owners could not or would not do for these horses who did everything ever asked of them.

I'm going to insist that every person in this room carefully read the handout I've provided (Michigan Horses), so you can see the lives that were wasted. This is not speculation, this is not hear-say. This is hard evidence of what is happening to our horses. I assure you that this spreadsheet is applicable to every low-level track in this country.

There is no magical green field waiting for permanently injured racehorses. There is at best, a needle waiting and far too often something much worse. Racing authorities need to insist that owners take responsibility for injured horses and NOT pass them along, they need to do the right thing and put the welfare first of an animal that cannot speak on its own behalf. To do anything less is irresponsible and inhumane.

I want to tell you some of the good stories, to show that if responsible decisions are made, if tougher rules against race-day medications was made, there is life for these animals. There is an ever-growing demand for Thoroughbreds for Sport Horse Careers. I am lucky in that for every animal we receive whose joints are trashed and must be euthanized, two are retired before that point by owners and trainers who care about them. Due to my limited time here, I have provided several wonderful success stories in the handouts.

Perhaps the most disturbing part of our hard work is that we are trying our best to clean up Racing's mess without financial support from the racing industry. An informal poll of 5 different non-profits revealed that less than 5% of funding came from racing itself. Taking away the much appreciated grants received from Thoroughbred Charities of America and Blue Horse Charities and that number drops still more. Consider this, the re-homing groups get Less than 5% from a billion-dollar industry, to care for the horses they've made their living from.

Simply put, Racing is not bothering to take care of it's own horses, and are allowing the public--often not even racing fans- to take care of the problems. This MUST change. It should be an owner's responsibility to provide veterinary or surgical care when they injure a horse through racing. It should be their responsibility to maintain that horse at during its rehabilitation. Then at that time, they turn the horse over to a re-homing group -- healed and sound -- and pay a fee for the group to take their horse and use their donated time to find it a good home. Those funds, if they do not come from the owner and trainer need to be set aside through starting fees or percentage of purses.

Couldn't The Jockey Club collect a fee for each horse registered? Could every racetrack collect even One Dollar per starter? Perhaps set aside a tenth of one percent of purse winnings be collected nationwide to pay for these animals. Caring for these animals should not be an afterthought, it should be the FIRST thought.

Racehorse Outplacement Agencies or Re-homing programs are too scarce. It is time to put programs in place at every track in the United States. To do anything less is a disservice to the horses and to the people who want options to do the right thing for the welfare of their horses.

New York Times Article published June 15th states just over 3000 horses died at racing facilities in 2007, which included TBs, STBs and Quarter Horses. It states that this number includes non-race accidents. I'd like to respectfully, yet strongly object to this low number. Nowhere are they accounting for the horses that pulled up, vanned off, and got sent to the sales. Nowhere are they accounting for the animals whose greatest ironic misfortune was to die in CANTER's barn instead of in front of a crowd of race-goers, when xrays of their joints revealed the abuses they have suffered were irreparable.

I am here speaking for the horses who cannot speak for themselves. I am here to represent every group in this country dedicated to their welfare. I am here to implore racing to address these issues.

Michigan Horses Removed from Racetrack or Farms with Racing Injuries Needing treatment, surgery or Euthanasia

MI INTAKE	HORSE NAME	AGE	OWNER/TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
<p>2007 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia</p>							
4/16/2007	Abby Coole	10	Redman, Deb	donated	severely underweight, lice-ridden, UTI, back injury	Euthanized	2007
11/20/2007	Angel	3	Sobczak, Adam	donated	dangerous behavior, questionable unsoundness	Euthanized	2007
10/4/2007	Backside Sunrise	4	Martinez, Alex	donated	knee fractures. Unsalvageable	Euthanized	10/12/2007
7/20/2007	Barbara's Jewel	7	Bennett/Nicks	donated	Non-repairable ankle fracture, chronic and end-stage arthritis, ran only 4 days before intake to CANTER	Euthanized	7/23/2007
9/19/2007	Belle d' Elite	4	Spless, Shane	\$500	Fund-raised for the \$500 to retire this injured filly, non-repairable knee fracture. Euthanized	Euthanized	10/12/2007
10/13/2007	Buck's Secret	3	Bennett/Crone	donated	severe ankle arthritis at only 3 years old	Euthanized	11/2/2007
10/27/2007	Cabriclass	6	Russell, Randy	\$600	Knee with large fracture, loss of joint cartilage, end-stage arthritis...CANTER notified Racing Commissioner of the gelding's upcoming race with hopes he would be vetted and scratched...not scratched. Fund-raised to pay trainer to retire the gelding...nonsalvageable knee fracture and euthanized	Euthanized	11/2/2007
11/5/2007	Call Me Tuiti	6	Grassell, Mike	donated	contracted tendons, owner left horse with the condition	Euthanized	11/7/2007
10/27/2007	Can't Catch G.I.	3	Martinez, Pedro	donated	severe arthritis, bilateral ankles...at only 3 years old	Euthanized	11/2/2007
7/20/2007	Cat Stick	4	Atwood, Julie	donated	Old knee chip injury which track vet told owner didn't need surgery, just some time off..6 months. Later x-ray by track vet said OK to race but horse still lame. After CANTER received horse, MSU evaluated. Unsalvageable and Euthanized	Euthanized	7/27/2007
11/8/2007	Claims My Name	14	Widmark, Dana	\$100	broodmare found at farm with hoof sloughing from leg, determined to be a chronic and ongoing injury. Mare immediately Euthanized. Mare had foal at side.	Euthanized	11/8/2007
9/30/2007	Court Ace	4	Thibodeau, Pam	donated	non-repairable injuries, left front ankle and right hock	Euthanized	10/17/2007

Michigan Data compiled by CANTER founder, Jo Anne Normile. For further information please contact her at 734-455-5116.

Please note that Racing trainers are nomadic as tracks close for the season. They will move to other low-level tracks in Ohio, Illinois, West Virginia among other states. The Michigan racing commission compiles no injury or death records for horses injured on the track. These figures do not include breakdowns that resulted in death on the racetrack. These horses are only those who were able to enter the CANTER program, not those sent to the sales.

Michigan Horses Removed from Racetrack or Farms with Racing Injuries Needing treatment, surgery or Euthanasia

MI INTAKE	HORSE NAME	AGE	OWNER/TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
6/20/2007	Dream Deliverer	5	Bennett, Gerald	donated	severe arthritis right front, unsound at a walk	Euthanized	7/24/2007
11/3/2007	Gointrigast	4	Barron, Bobby	donated	Gelding with known knee fracture. Not salvageable when finally donated. Euthanized	Euthanized	11/8/2007
9/14/2007	Havana Anna	6	Spless, Shane	donated	previously foundered then injured rear leg in gate accident and again laminitis after injury. Euthanized	Euthanized	12/31/2007
9/19/2007	Hesasonofagin	2	Spless, Shane	donated	2 year old with wobblers, only thing that could be done for him was euthanasia	Euthanized	10/6/2007
11/20/2007	Indigo Rock	4	Sobczak, Adam	donated	back injury, non-healing and non-repairable	Euthanized	12/13/2007
11/15/2007	J Aled Rudolph	9	Cavanaugh, Ed	donated	old sesamoid fracture front, also lame in rear	Euthanized	12/31/2007
10/20/2007	Kiss On The Run	3	Klump, Matt	donated	right shoulder injury, continuing lameness	Euthanized	11/2/2007
11/8/2007	Kiss The Flame	5	Sobczak, Adam	donated	severe arthritis bilateral ankles	Euthanized	12/3/2007
11/8/2007	Los The Loot	5	Spless, Shane	donated	degenerative myopathy	Euthanized	12/31/2007
5/29/2007	Meadow Gift	4	Spless, Shane	donated	navicular	Euthanized	6/10/2007
10/21/2007	Ms Traitor	5	Pattah, Shahab	\$300	end-stage arthritis, bilateral ankles	Euthanized	11/2/2007
10/4/2007	Oh No Uno	3	Uelman, Jason	\$250	Surgery for knee fracture, colicked after requiring euthanasia	Euthanized	12/26/2007
2007	Peppermint Promise	13		donated	aged and arthritic broodmare	Euthanized	1/31/2007
9/3/2007	Resistrike	5	Wilk, Barbara	donated	severely neurological	Euthanized	10/10/2007
11/15/2007	Runaway Easter	4	Widmark, Dana	\$250	Removed from Widmark farm; neurological, emaciated, no shelter in crowded/muddy conditions	Euthanized	
2007	Salty Lover	4	from Ohio CANTER	donated	severe OCD's stifles, surgery performed but not sound after	Euthanized	10/2/2007
6/26/2007	Search for a Star	5	Belknap, Dave	donated	right knee fracture, unsalvageable	Euthanized	7/2/2007
11/8/2007	Seeya Trouble		Sobczak, Adam	donated	Neurological	Euthanized	
8/5/2007	Siphoned	5	Russell, Randy	donated	fracture of right knee. Unsalvageable	Euthanized	8/10/2007
8/25/2007	Storming	5	Pattah, Shahab	donated	Stood for almost 2 weeks with severe fracture of knee, track to avoid pain of transport to MSU	Euthanized	8/26/2007
10/27/2007	Sunder Bay	6	Spanabel, Kelly	\$250	Raced with bowed tendon, 90% of tendon torn away when CANTER received him. Euthanized	Euthanized	11/2/2007
10/13/2007	Sunny Charmer	4	Robliard, Josh	donated	slab fracture, unsalvageable	Euthanized	10/17/2007
11/13/2007	That's My Chance	4	Cluey, Andrea	donated	bench-kneed, unsound	Euthanized	12/5/2007
8/1/2007	Top Faith	4	Martinez, Pedro	donated	lumber spine injury, right front joint injury. Euthanized	Euthanized	10/10/2007
9/9/2007	Tricky Tyler	10	Jackson, James	donated	severe, end-stage arthritis, very lame	Euthanized	10/6/2007

Michigan Horses Removed from Racetrack or Farms with Racing Injuries Needing treatment, surgery or Euthanasia

MI INTAKE	HORSE NAME	AGE	OWNER/TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
11/3/2007	Unreal Dancer	10	Pranito, Frank	\$250	severe arthritis and old chips	Euthanized	12/5/2007
6/20/2007	Valentine	5	Martinez, Pedro	donated	swollen hock, non-healing and longstanding infection of the hock from repeated injections	Euthanized	8/10/2007
5/30/2007	Whitmark	6	Spanabel, Kelly	\$250	Old, chronic and repeated injury to knee, unable to flex or even lie down	Euthanized	6/11/2007
11/7/2007	Winds of Love	9	Spanabel, Kelly	\$250	fractured with hardware in ankle, end-stage arthritis, bone degeneration from repeated injections, Euthanized	Euthanized	12/3/2007
11/23/2007	Aggravating Annie	6	Sobczak, Adam	donated	TOTAL 2007 EUTHANIZED: 41	TOTAL 41	
11/7/2007	Baltic Hydra	6	Uelman, Larry	\$250	broodmare sound only		
10/20/2007	Beulah Special	4	Pattah, Shahab	\$500	Surgery for RH apical fracture of sesamoid		
9/14/2007	Call Me Danny	5	Martinez, Pedro	donated	crooked legged, unsound		
7/28/2007	Can't We Smooch	4	Woods, Karla	donated	Surgery for ankle fractures-remove bone chips		
11/8/2007	Claudines Kitten	8	Widmark, Dana	\$100	Surgery for condylar fracture		
9/14/2007	Count the Facts	3	Waite, Del	donated	broodmare sound only		
11/7/2007	Devilsville Slew	6	Spieß, Shane	donated	Surgery to remove bone chip of carpal bone		
7/23/2007	Edens Life	8	Bennett/Piever	donated	ankle chip, non-surgical, attempt rest/re-evaluate		
9/3/2007	Fluent Edge	6	Bennett/Piever	donated	emaciated broodmare		
11/3/2007	Holy Words	3	Uelman, Larry	\$250	Surgery ankle fractures, chips removed		
11/3/2007	Independent Gifter	3	Uelman, Larry	\$250	Surgery medial sesamoid fracture of RH fetlock and sesamoiditis		
8/26/2007	Inmylifetime	3	Uelman, Larry	donated	Examined and sound but totally body sore.		
11/21/2007	Juan's Bouncer	7	Widmark, Dana	\$500	Surgery for fractures of middle carpal joint and torn ligament back of knee		
10/20/2007	Lil Dots Binkissed	4	Klump, Matt	donated	Removed from same Widmark farm as other horse. Horse very thin and in poor condition, fund-raised to purchase him to remove him from farm		
11/10/2007	Lil Eva	7	Sobczak, Adam	donated	bowled tendon, just needs time off		
11/15/2007	Love and Hope	6	Widmark, Dana	\$250	broodmare sound only		
9/8/2007	Mister P	2	Williams, Charlie	donated	Removed from same Widmark farm as Euthanized Runaway Easter but mare had just arrived at the farm and was in good condition.		
8/26/2007	Naturally Swift	4	Waite, Del	donated	sesamoid fracture right front, only 2 years old.		
10/13/2007	Odd You Should Ask	7	Freije, Claudette	donated	Surgery - knee fracture and repair of bowled tendon		
					Surgery for removal of bone chips		

Michigan Horses Removed from Racetrack or Farms with Racing Injuries Needing treatment, surgery or Euthanasia

MI INTAKE	HORSE NAME	AGE	OWNER/TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
8/1/2007	Palacious Summer	3	Spiess, Roger	donated	Surgery 8-9-07 to damaged stifles due to repeated injections. Still lame and most likely will need euthanasia		
11/7/2007	Rainbow Rose	7	Wood, Robert	donated	gate accident, lacerations and abrasions		
7/14/2007	Sarah's Goldengirl	9	Martinez, Pedro	donated	Surgery for sesamoid fracture		
9/3/2007	Sassy Susie Q	2	Inman, Ron	donated	Surgery for lenden injury		
5/23/2007	Saucon Creek	7	Benjamin, Kelly	donated	Surgery to remove bilateral knee bone fragments of the radiocarpal bone fragments		
11/7/2007	Savvy Soiree	4	Spiess, Shane	donated	*Trainer refused to not race injured horse unless CANTER bought the horse for \$1500. Immediate examination after purchase revealed knee fractures. Non-surgical. Broodmare only		
11/3/2007	Secret Stripes	3	Spiess, Shane	1500*			
10/20/2007	Silikie's Diz	7	Foggiano, Donna	donated	Surgery for removal of bilateral OCD's in hocks		
2007	Single Again	6		donated	Surgery for displaced condylar fracture of RF. Screws, cast. Continuing with rehabilitation.		
2007	Supermarket Queen	5	from CANTER Ohio	donated	Surgery for knee fracture, removal of bone fragments with degenerative joint disease		
11/12/2007	Tissues	13	Sobczak, Adam	donated	broodmare sound only		
11/3/2007	Town Man	3	Foggiano, Donna	donated	Surgery LF fetlock fracture - removed bone chip		
5/6/2007	Untamed Irish	14	Reynolds, Lori	donated	Found at farm 200-300 pounds underweight, pregnant, lice ridden, broodmare sound only		
2006 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
6/28/2006	Astor Street	6	Benjamin, Kelly	donated	ankles destroyed, multiple injections, severe arthritis	Euthanized	6/28/2006
2006	Bold Joi'ski	4	Zimmer, Tom		Rearing under saddle and kicking. Suspected spinal problem	Euthanized	2006
8/22/2006	Bucklanker	4	Spanabel, Kelly	donated	bilateral knees, slab fracture and chips	Euthanized	8/22/2006
8/26/2006	Celtic Trick	2	Londono, Odín	\$250	severe knee slab fracture. Only 2 years old	Euthanized	8/31/2006
10/6/2006	Del's Choice	20+	Miller, Bob	donated	Aged broodmare no longer able to get in foal.	Euthanized	2006
2006	DeSoto	9	Grace/Sobczak	donated	dangerous to handle and questionable soundness	Euthanized	2006
2006	Etbaur's Gift	5	Benjamin, Kelly	donated	Surgery for knee fractures. Colicked post surgery	Euthanized	8/23/2006
2006	Flash of Cash	3	Hirt, Chett	donated	severe founder, coffin bone through sole, probable etiology is "bad" injection. 3 years old	Euthanized	5/22/2006

Michigan Horses Removed from Racetrack or Farms with Racing Injuries Needing treatment, surgery or Euthanasia

MI INTAKE	HORSE NAME	AGE	OWNER/TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
10/1/2006	Hawain Lord	11	Scheurer, Ruth	donated	severe arthritis all joints, severe hock degeneration due to untreated infection	Euthanized	8/21/2006
2006	Heller	9	Grace/Sobczak	donated	Dangerous to handle/questionable soundness	Euthanized	10/2/2006
1/27/2006	Hurricane Bill	5	Mt. Pleasant Track		bilateral enlarged ankles bowed tendon/severe pelvic injury	Euthanized	2/23/2006
2006	Inprint	3			"knee is collapsed" per MSU	Euthanized	2006
2006	Inside Pitch	6			knee had 2 large chips and slab fracture	Euthanized	12/6/2006
2/9/2006	Janna's Flier	6	Leonardi, Hugo		Sore/walking on heel bulbs/ found old pelvis fracture	Euthanized	2006
2006	Jetta's Golden Boy	7	Hirt/Sobczak	donated	laminitis/founder with coffin bone through sole	Euthanized	8/22/2006
10/1/2006	Jette For Money	6		donated	Fractured knee. Unsalvageable	Euthanized	10/7/2006
2/1/2006	Kathy's In	14		donated	severe arthritis, aged broodmare, blind	Euthanized	2/1/2006
9/1/2006	Lady Texas	4	Hirt/Sobczak	donated	From farm with year old slab fracture suffered as a 3 year old.	Euthanized	8/11/2006
2006	Lake John	4	Grace/Sobczak	donated	Unsalvageable	Euthanized	8/14/2006
2006	Liikingirl	5	Sobczak, Adam	donated	Loss of bone due to longstanding untreated infection, "one of the worse vet has seen"	Euthanized	8/14/2006
10/1/2006	Lou's Expectation	7	Goldenberg, Jim	Donated	Knee slab fracture	Euthanized	9/20/2007
2006	Magic Conqueror	5	Spanabel, Kelly	donated	Surgery to repair bilateral fractured sesamoids, left him only pasture sound. Was retired but eventually coicked.	Euthanized	Feb-06
10/6/2006	Mustata	7	Gaffka, Sean	donated	lame, arthroscopy left knee, severe arthritis	Euthanized	2006
10/1/2006	Popularize	6	Squaws Landing	Donated	Bilateral ankles with advanced arthritis	Euthanized	2006
10/1/2006	Rip n Roar	6	Mock, Ternd	donated	right hind ankle sesamoid fracture	Euthanized	10/1/2007
2006	Terlote	6	Hanneman, Rick	donated	Surgery for knee fracture. Post surgery fractured leg while cast	Euthanized	2006
2006	The Play's The Thing	3	Hirt/Sobczak	donated	severe bilateral ankle arthritis, chronic injury/previous multiple injections	Euthanized	11/19/2006
10/1/2006	The Suave Commoner	5	Waters, Karl	donated	bilateral knee fractures/chips at only 3 years old.	Euthanized	8/23/2006
2006	Tower Six	5	Hirt/Sobczak	donated	Unsalvageable	Euthanized	12/11/2006
6/28/2006	Vague Hint	7		donated	large chip in fetlock and arthritis "very, very advanced" per MSU	Euthanized	8/11/2006
2006	Villa's Man	6	Hirt/Sobczak	donated	from farm with old injury and unsound, chronic and unsalvageable	Euthanized	8/11/2006
10/6/2006	Sir Martin	5	Spanabel, Kelly/ Vanderhyde, Tom	donated	non-healing bowed tendon, continuing lameness	Euthanized	8/11/2007
				donated	chronic injury, navicular bone fracture	Euthanized	2006
				donated	Chronic lameness, arthritis, sore back	Euthanized	2006

Michigan Horses Removed from Racetrack or Farms with Racing Injuries Needing treatment, surgery or Euthanasia

MI INTAKE	HORSE NAME	AGE	OWNER/TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
2006	Sorbie	3	Waite, Del	donated	3 yr. Severe arthritis from old injuries	Euthanized	2006
10/6/2006	Hilary's Crisis	6	Piper, Amy	donated	severe untreated slab fracture, stood for 2 months after injury untreated. Unsalvageable	Euthanized	12/4/2006
10/1/2006	Brett n Butter	6	Bennett, Gerald	donated	Severe arthritis. Nonriding rest failed to show any improvement. Lamé.	Euthanized	2006
10/6/2006	Cut The Ribbon	6	Bennett, Gerald	donated	Surgery for knee fractures. Colicked post surgery	Euthanized	2006
2006	Codex Dancer	5			TOTAL 2007 EUTHANIZED: 36	TOTAL 36	
10/1/2006	Crafty Comet	5	Grace/Sobczak	donated	Old bowed tendon. Shock wave therapy		
2006	Jumpin Joe	5	Hirt/Sobczak		Broodmare/pasture sound only		
2006	Kaites Cuddles	4	Hirt/Sobczak				
10/6/2006	Loot Tooten Boy	3	Ueliman, Larry	\$250	sound but rescue had to purchase the horse		
9/1/2006	Lord Johnny	3	Glenn, Dwaine	Donated	lamé, sound after time of		
10/1/2006	Lucky Sixes	5	Slot, Sonia	donated	sound but thin/nervous, on 30-day tranquilizers		
10/1/2006	Marcis Class	3	Hirt, Chet	donated	only broodmare sound		
2/1/2006	Merrimack Zack JC	5	Davis, Joe		?		
2006	Moll It Over	3	Wood, Robert	donated	Surgery for knee fractures		
2006	Super Goodtimes	3	Rupert/VanderHyde	donated	Surgery for knee fractures after horse stood in stall for 10 days before rescue was called		
2005 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
4/1/2005	Acidlikechamp	6	Stevenson, Julie	donated	Surgery 4-18-05 knee fracture. Extended rest. Still lame	Euthanized	3/29/2006
10/23/2005	About Time To Win	10	Cavanaugh, Ed	donated	10 yr. old. Ankles destroyed/hock infection	Euthanized	11/8/2005
7/15/2005	Arkangel	3	Skinner, Diana/Jonna	donated	Old untreated knee fracture. Nonsurgical/Unsalvageable	Euthanized	8/11/2005
9/20/2005	Castlewood	8	Debino, Roger	donated	ankles/roach back/sore	Euthanized	9/26/2005
1/15/2005	Chassis	5	Briggs, Asa	donated	Owner states "ankles". Euthanize per Kern Rd. Vet. Xrays	Euthanized	2/3/2005
7/28/2005	Dear Gulch	3	Martinez, Pedro	donated	Surgery 8-2-05 for slab fracture unsuccessful	Euthanized	8/1/2005
7/20/2005	Falling Star	4	Owner?/Leonardi, HJ	500	Xrays to MSU 9-8-05. Ankles nonsurgical	Euthanized.	10/22/2005
7/6/2005	Gold Play	6	Benjamin, Kelly	donated	Ankles - injected 3 wks ago. Unsalvageable	Euthanized	7/22/2005
9/20/2005	Jackdaw	4	Chicago	donated	Surgery - tendon/annular ligament unsuccessful	Euthanized	12/15/2005
1/15/2005	Joe Pat	6	Briggs, Asa	donated	Trainer states "knee chips". Xray/Euthanize per Kern Rd Vet	Euthanized	2/3/2005
7/21/2005	Marchand Volant	7	Benjamin, Kelly	donated	11-22-05 to MSU stifle injury. Extended rest. Still lame	Euthanized	3/10/2006

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3/5/2005	Moscow Caper	5	Uehman, Larry	donated	Knee fractures unsalvageable	Euthanized	3/13/2005
9/23/2005	Mustbeamartin	4	Johnson, Deb	donated	Fracture left hind. Needs injections to ride	Euthanized	10/27/2005
6/10/2005	Northern Thoughts	6	Fitzgerald	donated	Significant arthritis in hind. Rested 60 days. Lamé	Euthanized	7/22/2005
5/11/2005	Out There	5	Morris, Liz	donated	Surgery 5-18-05 for tendon. Painful unresolved abscesses	Euthanized	10/4/2005
3/11/2005	Passionate Soldier	6	Bennett, Gerald/AAC	donated	Knee arthritis/fractures nonsurgical per Dr. Evan Moore	Euthanized	4/1/2005
7/21/2005	Penny Arnie	4	Hirt, Chett	donated	Old sesamoid fracture now nonsurgical/unsalvageable	Euthanized	8/11/2005
8/13/2005	Perkin Warbeck	13	Slot, Sonia	donated	Stallion from farm with injury	Euthanized	7/15/2005
12/6/2005	Regal Rebel	6	Pattah, Shahab	donated	Knee collapsed from multiple fractures	Euthanized	12/16/2005
10/12/2005	Ryndam	4	Rupert, John	donated	Unable to properly flex on restraining. Old neck fracture	Euthanized	8/21/2006
7/6/2005	Sara's Circus Boy	4	Bennett, Gerald	donated	Surgery for knee fractures/castration. Unsuccessful	Euthanized	8/5/2005
7/6/2005	Sharp Response	4	Bennett, Gerald	donated	Old bow/unstable pelvis/spine	Euthanized	7/18/2005
5/22/2005	Steady Ruckus	6	Bennett, Gerald	donated	9 yrs old. Ankle fractures/arthritis nonsurgical	Euthanized	6/4/2005
9/8/2005	Suave Knight	5	Frankina, Guy	donated	Nonweight bearing on slab fracture	Euthanized	9/12/2005
11/29/2005	Visalrin	3	Leichty, DVM Chicago	donated	Surgery at MSU spiral fracture of rear cannon bone	Euthanized	11/29/2005
3/5/2005	Wimming Affair	8	Uehman, Larry	donated	Bilateral ankle arthritis - nonsurgical/unsalvageable	Euthanized	3/13/2005
5/31/2005	Overexposed	3	Rupert, John	donated	Surgery 6-10-05 knee fracture		
2/5/2005	Adamepress	4	Leonardi, Hugo	donated	Surgery 3-8-05 hock lesion.		
1/14/2005	Agricola	5	Russell, Randy	donated	Surgery 11-21-05 tendon and annular ligament old/new bow		
9/8/2005	Cheyenne's Will	4	Kuefner/McKuen	donated	Surgery 9-9-05 knee fracture		
6/7/2005	Diamantis	3	Belknap, Dave	donated	Surgery 6-8-05 knee fracture		
					Previous surgery to remove bone fragments from knee at age 2. No further surgery. Sound for flat work only		
8/28/2005	Elegantly Tricky	3	Karcher, Doug	donated			
			Martinez, Pedro				
9/8/2005	Pet Your Cat	5	McIsaac, Kathy	donated	Surgery 9-9-05 ankle fracture.		
5/11/2005	Stolen Honor	7	Morris, Liz	donated	MSU evaluated. Ankle fused. Light riding only		
4/30/2005	Dunala	2		donated	Knee fracture. Adopted by MSU vet for one dollar.		
8/28/2005	Drunken Monkey	3	Blend, Roy	250	Surgery 9-9-05 ankle fracture		
9/14/2005	Refiners Gold	6	Belden, Sue/Larry	donated	back subluxation. Lamé. Needs therapy and reevaluate		
1/1/2005	Cone of Silence	5	Riker, JD, Indiana	donated	Surgery for bilateral knee fractures. Limited light riding		
8/12/2005	Kona Beau	6	Belden, Tiffany	donated	Surgery 8-18-05 LF ankle/knee fractures		
10/12/2005	Persistent Paul	3	Bennett, Gerald	donated	Surgery 11-8-05 tendon repair		
6/23/2005	Q Royal blew By U	4	Thibodeau, Pam	donated	Surgery 7-7-05		
8/12/2005	Sandra's Brave	6	Bland, Roy	donated	Surgery for old slab fracture in knee		
9/14/2005	Sisters Mister	4	Zimmer, Tom	donated	Surgery at MSU 9-16-05		

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2004	Horses removed directly from racetrack or farms with racing injuries needing treatment, surgery or euthanasia						
12/20/2004	Two Bit Ginger	3	Brown, Sid	donated	Hock injury. Unsalvageable	Euthanized	1/25/2005
12/28/2004	Light and Lethal	3	Hirt, C./Brown, Sid	donated	Bilateral knee fractures also positive neurological	Euthanized	1/18/2005
8/17/2004	Loaded Six String	4	Turner/Swearingen	donated	Surgery 9-20-05/MSU 6-2005. Still lame	Euthanized	7/10/2005
2/8/2004	Ain't No Yank	10	Hirt/Waltman	donated	Did Not Finish Race - bilateral ankle fractures	Euthanized	11/5/2004
2/25/2004	Tweenthelines	5	Bennett, Gerald	donated	Surgery attempted - knee fracture too severe to repair	Euthanized	3/10/2004
2/25/2004	Pineing Rebel	7	Bennett, Gerald	donated	Multiple lamenesses/very sore	Euthanized	3/26/2004
5/13/2004	AJ Flyer	8		donated	Knees deteriorated, rested, nonsurgical	Euthanized	8/25/2004
5/15/2004	Naseer Spirit	5	Pattah, Shahab	donated	Taken directly from track colicking 12 days	Euthanized	5/15/2004
5/28/2004	Gems Fella	7	Grace, John	250	Ankle fractured- unsalvageable	Euthanized	6/2/2004
6/23/2004	Legendary Halo	4	Hirt, Chett	donated	Lame LF, rested 30 days. Still sore, lame	Euthanized	8/20/2004
6/23/2004	Red Headed Romeo	5	Carrillo	donated	Knee fractured - unsalvageable	Euthanized	7/7/2004
7/22/2004	Winnie's Pooch Bear	6	Bennett/AAC Stables	donated	X-rays, unsalvageable. Euthanized at farm	Euthanized	8/11/2004
7/29/2004	Crafty Jarrett	5	Gonzalez/Stokes	donated	LF basilar fracture/RF arthritis	Euthanized	8/9/2004
8/5/2004	Mystery Dreams	5	Stokes	donated	Racing on old screws/pins - new injury	Euthanized	8/9/2004
8/18/2004	Little Rosa Lynn	5	Leonardi, Hugo	donated	Ankles damaged/over at knee	Euthanized	8/31/2004
8/24/2004	Lord Rambo	4	Stokes/Hayes	donated	Stallion with ankle deterioration	Euthanized	9/2/2004
9/5/2004	Surprise Package	8	Shannon, Jennifer	donated	LF knee fracture/arthritis -nonsurgical	Euthanized	9/21/2004
9/9/2004	Marland	5	Duffy, Helga	donated	X-rays. Enlarged hock. Euthanized per MSU	Euthanized	10/13/2004
9/28/2004	Pablo Diablo	3	Wood	donated	knee fracture. Injected 4-5 wks. Pelvis unstable	Euthanized	9/29/2004
9/28/2004	Smart Alix	4	Cecil, Claude	donated	Ankles destroyed/No flexion/injections, etc.	Euthanized	9/29/2004
10/14/2004	Touch Of Power	7	Bennett, Gerald	donated	3 legs unsalvageable. Black type winner	Euthanized	11/9/2004
10/20/2004	Truth of the Heart	7	Neph, Mike	donated	Nonsurgical sesamoid fracture	Euthanized	11/5/2004
10/21/2004	Hometown	5	Briggs, Asa	donated	Prior RF surgery unsuccessful. Sore. Lame	Euthanized	11/11/2004
10/23/2004	Show On Demand	3	Kizer, Karen	donated	Spinal compression. Cannot be girthed	Euthanized	Nov-04
10/26/2004	Favorite Seat	7	Grace, John	donated	Ankles destroyed. Unsalvageable	Euthanized	11/11/2004
9/23/2004	Spirosandicholis	6	Rupert, John	donated	Multiple lameness. Positive flexions front and back. 6 months rest and medication—no improvement.	Euthanized	3/2/2005
8/24/2004	Ballistic	8	Stokes/Hayes	donated	Surgery - 9-2-04 basilar fracture..		
10/14/2004	Bringontherain	4	Benjamin, Kelly	donated	Surgery 3-1-05 hock surgery, 3-1-05. Reevaluate 9-2005		
10/27/2004	Cioda's Joy	2	Martinez,	donated	Surgery - 11-9-04 knee chip/torn ligament		
8/31/2004	Jimmy's Move	4	Carrillo	donated	Surgery - 9-2-04 Siab fracture of knee		
7/22/2004	Rhythmair	6	Swiatkowski	donated	crushed heels/special shoes/castration		

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11/5/2004	Salinas Regal Luck	5	Leonardi, Hugo	donated	Surgery 12-17-04 ankle fracture		
10/21/2004	Sunset Side	5	Serafine, Flores	250	Surgery 12-6-04 Bowed tendon in race		
9/28/2004	Teazabull	4	Bennett, Gerald	donated	Surgery 9-29-04 LF ankle fracture		
11/5/2004	Thickett's Ticket	5	Leonardi, Hugo	donated	Surgery 12-17-04 bilateral ankle fractures		
2003 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
9/1/2003	Ticketed	4	McBride, Barbara	donated	10 mo. post surgery-still severely lame	Euthanized	7/2/2004
9/17/2003	Rambling Native	5	Hollingsworth	250	Pasture rested. Very lame severe arthritis/weaver	Euthanized	7/8/2004
10/27/2003	Hunt The Dream	4	Bennett, Gerald	donated	Awaiting surgery-foundered	Euthanized	1/9/2004
8/20/2003	Bingo Brat	7	Glenn, Dwaine	donated	Knee fracture/infected	Euthanized	8/20/2003
8/6/2003	Blaze of Light	5	Bennett, Gerald	donated	basilar fracture	Euthanized	8/20/2003
10/15/2003	Cat Twister	4	Gregg, Carol	donated	Old rear ankle fracture	Euthanized	11/5/2003
8/12/2003	Deer Be Little	4	Grace/Duke	donated	Slab fracture of knee	Euthanized	8/27/2003
1/13/2003	Great Courage	3	Leonardi, Hugo	donated	neurologic	Euthanized	4/17/2003
9/17/2003	Kuranda	5	Spanabel, Kelly	250	Knee fractures	Euthanized	10/22/2003
8/11/2003	Musical Miracle	6	Jenkins, Bill	donated	RF ankle/L knee fractures	Euthanized	8/30/2003
8/24/2003	Private Michael	7	Spess, Shane	donated	Ankle & knee fractures	Euthanized	8/30/2003
9/29/2003	Royal Escapade	4	Reading, John	donated	Rear leg fracture	Euthanized	10/16/2003
7/20/2003	S.A. River Walk	3	Northrup, Butch	donated	Knee slab fracture	Euthanized	10/16/2003
11/20/2003	Sea of Joy	5	Briggs, Asa	donated	X-rays. Severe ringbone	Euthanized	7/23/2003
9/17/2003	Stylish Tour	2	McBride, Barbara	donated	neurologic	Euthanized	12/9/2003
11/28/2003	Turn to Slew	18	La Fleur, Nick	500	Neglect case at TB breeding farm reported to Hooved Animal	Euthanized	12/9/2003
10/25/2003	Untenable	8	Hirt, Chett	250	Rescue which asked CANTER to handle	Euthanized	11/7/2003
6/13/2003	Vrdalia Storm	3	Bennett, Gerald	donated	knees/ankles	Euthanized	11/7/2003
10/25/2003	Voice Port	7	Hirt, Chett	250	Slab fracture	Euthanized	7/16/2003
9/1/2003	Air Cadet	7	Wood, Nancy	donated	multiple knee fractures	Euthanized	11/7/2003
7/16/2003	Fair Hayley	4	Jenkins, Bill	donated	Surgery - annular ligament		
6/12/2003	Grand Horizon	4	Rupert, John	donated	Surgery - cannon bone fracture		
8/6/2003	Gulfport	5	Bennett, Gerald	donated	Surgery - ankle fracture		
9/1/2003	Hidden Color	2	Marinez, Pedro	donated	Surgery-fractured splint bones		
10/22/2003	Hollidedough	5	McBride, Barbara	donated	Ankle/knee arthritis/broodmare only		
7/6/2003	Kim Has The Power	4	Marinez, Pedro	donated	Surgery - ankle fracture		
8/12/2003	Lady Lure	3	Grace, John/Duke	donated	Surgery - knee fracture		
					x knees		

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7/28/2003	Phlo	5	Martinez, Pedro	donated	Surgery - knee fracture		
5/17/2003	Red Eye Bishop	4	Rupert, John	donated	Surgery - knee fracture		
7/10/2003	T Man's Glitter	6	Reading, John	donated	Surgery - knee fracture		
9/29/2003	Tri N One	4	Iacovacci, C.	donated	Knee fx 10-20 surgery		
10/29/2003	Rockport Gal	3	McBride, Barbara	donated	Surgery 11-6-03		
10/13/2003	Witches' Match	3			Bilateral hock arthritis/light work only		
2002 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
10/10/2002	A Simple Xpression	4	Leonardi, Hugo	donated	MSU x-rayed, evaluated/rested 10 mos./still lame	Euthanized	8/26/2003
10/12/2002	Bankers Catch	7		donated	Surgery-knee fracture. Rested 9 mos./still lame	Euthanized	7/29/2003
7/3/2002	Betty B's Blaster	5	Bartel	donated	Severely destroyed hocks.	Euthanized	2002
5/29/2002	Cherokee Penny	3	Dimi	donated	Fractured knee in a race the night before. Chicago trainer shipping in didn't know what to do so left the horse for us to pick up the next day. Fracture unsalvageable..	Euthanized	
10/31/2002	Dancer's Sparkle	4	Londono, Odin	800	Starved/neglect track case/Club foot surgery/Unsuccessful	Euthanized	2003
10/5/2002	Dancing Laddy	4	Leonardi, Hugo	donated	Hock enlarged with no cartilage. Multiple knee chips in front.	Euthanized	2002
10/19/2002	Decreed	5	Hirt, Chett	donated	Both front ankles destroyed. Unsalvageable	Euthanized	2002
10/12/2002	East Of New Dover	9	Grace, John	donated	Sesamoid fracture, very old. Multiple prior injections	Euthanized	2002
9/8/2002	Fine Air	3	Martinez, Pedro	500	Osteomyelitis rear leg bone	Euthanized	2002
8/31/2002	Halogen	5	Pattah, Shahab	500	Knee fractures, multiple	Euthanized	2002
8/16/2002	Lane's Up At Dawn	4	Hollingsworth	500	Surgery - knee fracture /gilded/continued lameness/behavior	Euthanized	12/15/2005
10/30/2002	Mr. Doctor	7	Pritchard	donated	Vein infection and bilateral knee fractures. Arthroscopic surgery with recovery time failed to make him sound	Euthanized	2003
6/22/2002	Poised N Powerful	3	Paquette	500	Severe rotation of coffin bone LF. Sesamoid fracture RF	Euthanized	2002
6/20/2002	Royal Order	5	Londono, Jr.	500	Bilateral knee fracture/colicked post surgery	Euthanized	2002
7/28/2002	Rumbling Sound	3	Hinshaw	500	Severe fracture of left knee. Prior joint injections. Extremely lame. Thrush infection in soles of all 4 feet. Hole in sole from severe thrush.	Euthanized	2002
9/21/2002	Synasty's Chime	3	Martinez, Pedro	400	Severe sesamoid fracture. Unsalvageable.	Euthanized	2002
8/31/2002	Tenbroke	3	Davis, Joe	donated	Double slab fractures of the knee	Euthanized	2002
10/31/2002	Wild Game	6	Ilcin, Al	donated	Slab fracture/nonriding broodmare only	Euthanized	2002
7/25/2002	Very Dacey	4	Hinshaw	500	Surgery - tendon. Died of colic post surgery		
6/22/2002	Hesobrite	4	Hinshaw	500	Surgery - knee fractured		

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7/28/2002	Lady Juanita	2	Breckenridge	500	Surgery - tendon		
10/5/2002	Monetary's Best	4	Gallagher	donated	Surgery - knee fractured		
11/1/2002	Sweet Riddle	7	Cluely, Andrea	donated	Surgery - Tendon		
5/11/2002	Pick A Runner	4	Londono, Odín	donated	Surgery - tendon		
10/12/2002	Bid Approval	6	Richards	donated	Surgery - tendon		
6/30/2002	Chosen Devil	6	Thibodeau, Pam	donated	Surgery - Slab fracture		
8/30/2002	I'm A Traitor	5	Rupert, John	donated	Surgery - knee fractured		
7/28/2002	Kit Kat Kit	4	Wood	donated	Surgery - tendon		
8/24/2002	Luke's Abc's	5	Mullens, Buddy	300	Surgery - tendon		
11/2/2002	Marcello	4	Iacovacci, Cindi	500	Surgery-both knees fractured		
5/29/2002	Money Blues	3	Spanabel, Kelly	500	Surgery - knee fractured		
6/30/2002	Mr. Austin High	3	Panitch	donated	Surgery - knee fractured		
7/17/2002	Sorry	7	Remlinger	500	Surgery - ankle fracture		
8/3/2002	Texas Topper	8	Spless, Shane	500	Surgery - knee fractured		
7/1/2002	Panishe	2	Returned	donated	Surgery - fractured jaw		
8/31/2002	Flash Of Lightning	5	Turner	donated	Surgery - knee fractured		
9/21/2002	La Espuela	4	Leonardi, Hugo	donated	Sesamoid fracture		
12/18/2002	Arctic Course	7	Martinez, Pedro	donated	Surgery - knee fractured		
7/6/2002	Cozy Up To Charlie	3	Grace, John	500	Surgery - knee fractured		
10/5/2002	Jimmie's Annie	3	Bianchi, Jerry	500	Surgery - knee fractured		
10/12/2002	Let's Pretend	4	Rupert, John	donated	Surgery - knee fractured		
10/12/2002	Lights Life	5	Tinkle, Gary	donated	Sesamoid fracture		
10/1/2002	Lucky Mood Dancer	5	Compliment, Chuck	500	Slab fracture		
10/27/2002	Nervous Moment	6	Crone, Mary	donated	Sesamoid fracture		
10/31/2002	River Bluff	5	Ilicin, Al	500	Surgery - knee fractured		
10/27/2002	Jugamoney	4	Hirt, Chett	500	Eval/suspensory		
10/27/2002	Painted Rebel	10	Hirt, Chett	500	Sesamoid fracture		
6/17/2002	Thunder Dillon	5	Fritz	donated	Surgery for stifle infection. Trainer attempted to close laceration with office staples. Severely swollen, infected, squinting pus from stapled area while moving. 3 legged lame.		
<p>NUMBERS MAYBE DIFFERENT IN TABBED SECTIONS BELOW DUE TO LINES THAT CONTAIN HEADINGS OR NOTES.</p> <p>TOTAL HORSES FOR 2002 - 2003 INJURED OR EUTHANIZED BY MICHIGAN CANTER FROM ITS RACING INDUSTRY: 282</p>							

A Few Thoroughbreds that Racing has Forgotten

Sully's Silver-Exceller Fund

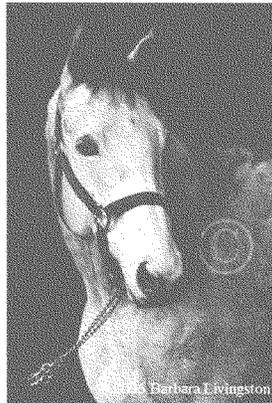
Gray Gelding; Foaled 2001

by Silver Ghost out of Jessie Wyler (by With Approval)

21 Starts, 2 Wins, 1 Places, 2 Shows **Career Earnings:** \$43,183

This amazingly sweet horse faces an uncertain future due to injuries sustained from racing. Sully has overcome a number of physical obstacles, but he faces many more. Sully was another horse that came off the track in New York and was in danger of being shipped for slaughter. We paid a dealer to secure him and sent him to the ReRun facility in New York. Upon arrival, poor Sully had a huge abscess on his front foot, and a sore ankle and knee on his other leg. He was also wounded behind his ear where another more aggressive horse bit him. Sully has recovered from the bite wound and the abscess. The ankle has now fused, but the knee continues to be a problem.

An x-ray was taken to find out the extent of the problem, and the result is not good. **The knee has a lot of chips and arthritic deterioration. We are taking things one day at a time with Sully, and as long as any pain can be managed, we are not ready to give up.** Throughout all of this, his caregivers report that Sully maintains a calm and gentle nature. Sully's gift is his ability to forgive. He holds no grudges, and you can't help but be proud of this gelding. We are hoping to find a foster care situation or loving adoptive home in a warmer southern climate that will be able to give Sully one-on-one love and attention.



Sully's Silver

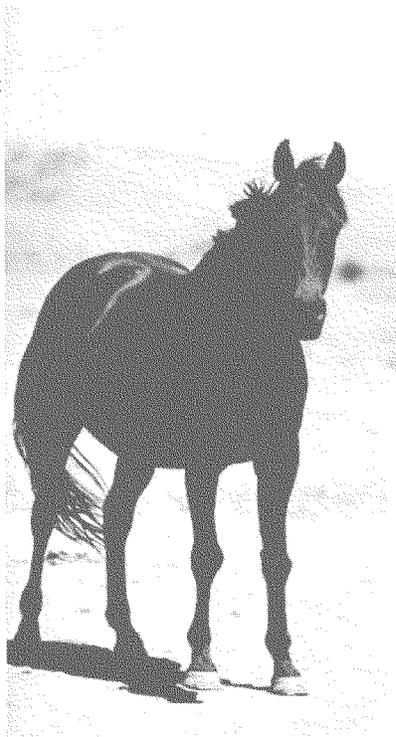
RARE ANGEL – Exceller Fund

Dark Bay or Brown Mare; Foaled 1986

A Thoroughbred mare foaled in 1986, Rare Angel was rescued from the feedlot just a few days before she would have been sent to the slaughterhouse. By Rare Prospect out of Adorn by Royal Knight, she has very good bloodlines and has many of the great Thoroughbreds in her pedigree, including Mr. Prospector, Bold Ruler, Native Dancer, Princequillo, and Teddy.

Angel has very bad knees. She is pasture-sound but will never be rideable again.

Other than her knees, Angel is sound to live outside and doing very well in her new life as a pasture horse. She is one of The Exceller Fund's pensioners and we will take care of her as long as she lives.

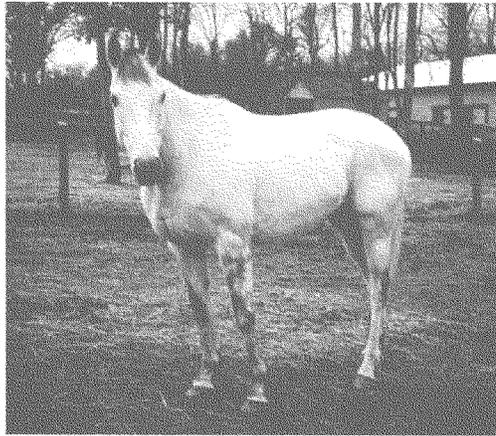


DAVID'S SHADOW—Exceller Fund

Gray/Roan Gelding; Foaled 1996

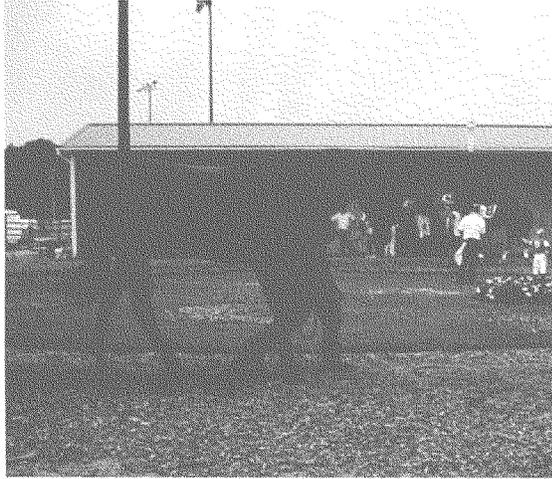
David's Shadow was welcomed into the Exceller Fund family in the beginning of July 2002. He is a large gray, about 16.1 to 16.2 hands, and the rumor is that he is VERY handsome. He had a slab fracture in his right front knee but was injected and raced again. The Exceller Fund was contacted about him by Mylestone Equine Rescue, who took him in immediately. A generous donor paid \$500 to a dealer for him and will, in turn, donate David's Shadow to us.

He has a knee full of bone chips and arthritis. He is not in pain all the time and runs around as much as he can but he will come up lame. Mylestone tells us that he doesn't like to be bathed because he doesn't like water dripping off him. He is sociable and good with other horses although a bit studdish with the mares. They nicknamed him Jules because he is so dashing!



Brave Miner-One of Racing's Disposable Horses

Written by Joy Aten



I first saw Brave Miner in 1999. It was opening year of TB racing at Great Lakes Downs in Muskegon, Michigan, and being a lifelong fan of the "sport of kings", I was thrilled to have live racing only 45 minutes from my home. He was larger than life to me...a gleaming chestnut that exuded confidence, class, and dignity. I could only dream of having him as a member of my beloved equine family.

The following year, I became involved with CANTER-Michigan. The Communication Alliance to Network Thoroughbred Ex-Racehorses was only 3 years old at the time, having been started by Jo Anne Normile in 1997 when TB racing took place at Detroit Race Course. CANTER is now one of the leading organizations that transitions TB racehorses off the track when their racing careers have ended.

By 2000, I was on the backside of the track, walking through the shedrows to take listings for the owners and trainers. Brave Miner was now 6 years old and had accumulated 18W, including 4 black type, from 48 starts on dirt and turf, going long and short. He was extraordinarily beautiful, even more so up close, but the wear and tear on his body was already evident. I had never seen ankles that large and misshapen. I was becoming acutely aware of the fate of so many racing TB's, so I made myself and Brave Miner a promise that I would take him from the track before his body and spirit were broken beyond repair.

Over the next 7 years, from 2000 to 2007, I watched and waited...making frequent requests and monetary offers for Brave Miner. On two separate

occasions, I was promised him only to have the first promise broken when he was sold to yet another racing owner/trainer for \$500.

By the fall of 2007, the courageous gelding had run an incredible 131 times and had stuffed his connections' wallets with over \$340,000.00 from 31 wins, 18 seconds, and 19 thirds. But in his last several races, as a 13 year old with tired and hurting legs, he struggled to come in anything better than last.

In October of 2007, the second promise made to me by his current owner was one race away...only one more race and I could take him home! It didn't matter to me that he no longer possessed the physical beauty as when I first laid eyes on him 8 long years ago. I just wanted to take him from the place where he had been the best, but due to human greed, had become the place where he was stripped of everything he once was.

At Hoosier Park, on October 13, Brave Miner ran in his 132nd start. As I watched the replay through partially closed eyes with the sound turned down to barely audible, I heard his name called only once and never saw him cross the finish line.

Brave Miner broke bones that night that would never be repaired nor could ever heal. 31 times he had stood in a crowded winner's circle, but on that night, he laid in the dirt alone...only the track vet kneeled beside him, administering the lethal injection to end his suffering and his life. Human greed had taken from that amazing creature...one with a heart few can comprehend and even fewer appreciate...EVERYTHING he had willingly given.

My promise to Brave Miner is broken and so is my heart. But the pain I feel is nothing in comparison to the pain and suffering he endured. There were enough opportunities to retire the overworked warrior and give him a chance to live, but instead, his "people" dug his grave and ran him into it.

Brave Miner's story has no neat and pretty ending...but then, neither did his life.

Joy Aten

Hudsonville, Michigan

Brave Miners Race Record:**In North America / USA**

Year	Age	Starts	1st	2nd	3rd	Earnings (USAS)
1996	2	1	0	0	0	\$125
1997	3	12	6 (1)	2	1	\$97,865
1998	4	14	4 (3)	3	2	\$104,092
1999	5	8	2	1	1	\$27,470
2000	6	3	6	1	2	\$26,249
2001	7	14	2	2	4	\$14,298
2002	8	12	3	3	0	\$14,945
2003	9	13	2	2	2	\$9,860
2004	10	10	1	1	2	\$8,171
2005	11	11	2	2	1	\$16,810
2006	12	13	2	1	1	\$14,179
2007	13	4	1	0	1	\$5,760
Totals		125	31 (4)	18	19	\$339,824

Editorial written by former CANTER Michigan Board of Director member Joy Aten

I have never responded to any published opinion or editorial before today. But your misconceptions, like the abuses in the Thoroughbred horseracing world, must be addressed.

I have loved and followed horseracing for years, but it has become increasingly difficult to maintain my enthusiasm for a sport that has such disregard for a living creature. As a member of the Thoroughbred racehorse rescue and rehabilitation organization CANTER, I have become painfully aware of the abuses that too many of these magnificent animals endure.

You state that the 1.6 out of 1000 death rate is "hardly evidence of vast disregard". What is conveniently absent from that statistic are the horses so damaged from their racing injuries that death is the only option. They are still racetrack casualties, but are far from the public's eyes. **Winds of Love**, a big dark bay with a huge heart, had 102 starts and ran the majority of his races with hardware in his ankle. That ankle finally could take no more and the gelding was humanely euthanized by CANTER only days after his last race. The Florida-bred **Barbara's Jewel** ran 73 times and was a winner at Saratoga and Belmont, but 4 days after his final race, he limped onto my trailer with a collapsed ankle...euthanasia was his only option. **Sunder Bay**, a 2001 striking chestnut by Mr. Greely, won only one race and made only \$28,000, but his connections continued to race him for a total of 36 starts. Half of those 36 races were in 2007 and were run on a bowed tendon. When CANTER was finally able to take him from the track, 90% of his tendon was torn away from the bone. Again, only days after his last race, euthanasia was all that could be offered the suffering gelding. And these are just a few of the many.

Your "guess that fewer horses receive better overall care...from the day of birth until racing and breeding days are done" couldn't be further from the truth! For a limited number, yes...but for most, no. A recent Kentucky Derby and Preakness winner ran those races with knee chips, according to his trainer in a televised interview. The million dollar colt was "cared for" through the Triple Crown campaign, and his connections reaped the rewards. **Lou's Expectation** likely received the "care" you mentioned while a winner at DelMar, Santa Anita, and Hollywood Park. But when the Valid Expectations gelding could no longer compete at that level, the care and concern for his well-being diminished. The beautiful "Lou" dropped to being a \$5000 claimer in 2005, and in early 2006 he was vanned off the track after one of his 43 starts. Yet he was made to run again. When he was finally donated to CANTER, his owner demanded he be removed the very same day. This aging warrior that made over \$300,000 for

his connections didn't even have a stall to stay in. And he left the track with fractured sesamoids in his right front ankle, never to be sound again. **Dream Deliverer**, a 2000 bay gelding by Kentucky Derby winner Sea Hero, was bred by Sez Who Thoroughbreds. This stunner, winner of \$137,000 from 49 starts, came into the CANTER program and onto my small farm in June of 2007. But his good care ended long before his racing days were over. His ankles were damaged beyond repair from injuries that were exacerbated by continued training and racing. He was euthanized. **Cabriolass** ran 34 times with earnings of over \$200,000. 5 of his races were won at Woodbine. His 7th and last win was on October 22, 2007, at Great Lakes Downs. He won that race with a known pre-existing fracture. After having to purchase the gelding for \$600 to get him off the track, CANTER had him evaluated at Michigan State University. His films showed large fractures with loss of joint cartilage...and the knee was in the final stages of arthritis. Good care was in the very distant past for this gallant gelding as well. And these are just a few of the many.

You mention that we "suppose them unhappy because they are trained and ridden...". With no verbal language with which to tell us how they are, we must rely on body language, demeanor, and behavior. And just as Larry Jones, in explaining Eight Belles must have been OK at the end of the race because her ears were pricked, we must then accept that the door swings both ways and translate certain behaviors as the horse is not OK. **Overnight Angel**, a 1998 mare, would literally shake from head to tail as soon as she was tacked up for a race. Her eyes wide and her tail held tightly to her body before running, she consistently trailed the field the entire race and would finish last or near last. But she was kept in racing until the age of nine. **Greenwish**, a 1990 near-black son of Green Dancer, started 85 times during his 8 year career. But as a 10 year old, he tried to show his "unhappiness" by refusing to walk into the starting gate. This was ignored by his trainer and his ears were twisted to get him to load. The gorgeous 5 year old **Storming**, a Wild Again grandson, had 3 wins from 15 starts. Even though he communicated his "unhappiness" well, showing himself very sore, he was not stopped on until he sustained a severe and non-repairable knee fracture. He then stood for 10 days before his trainer called CANTER to donate him. To save the suffering horse from the additional pain of transport, he was euthanized at the track. But he spent the last 10 days of his life with no pain medication...at all...at anytime. **Siphoned** had a "bad knee", but a big heart and alot of class. So when he could be picked up for a mere \$500, the Siphon gelding went to what would be his last owner and trainer. Raced with that bad knee, it shattered in his final race. CANTER received the broken-down gelding and humanely euthanized him. The bay gelding had shown he was not OK prior to that last and fatal race, but no one chose to acknowledge it. And these are just several of many.

You liken horses that get injured romping in pastures to those that suffer injuries on the track. Accidents happen and horses die. That is true, but when fame and fortune are at the finish line, horses are pushed beyond their limits to reach it first. A paddock or pasture accident is just that...an unfortunate accident with no human involvement. But put a jockey on their back, drugs in their system, and the pot of gold at the end of the race, and calling it an accident truly minimizes the tragic event. The public's reaction to a paddock accident, such as Saint Liam's, as opposed to their reaction to a track breakdown might certainly be a warning signal that something is amiss. But it makes one feel better to just dismiss racing deaths as "part of the business" and reminding the public that horses break their legs playing in their owners' pastures or while cantering on a trail ride. But were these latter two money-driven?

The mention of the \$30,000 operation for the "expensively coddled" horse...you must realize that \$30,000 is a drop in the bucket when you are talking about a horse that had a purchase price of millions, and whose winnings after the operation will hopefully be in the millions. Expensive procedures aren't coddling, but are in fact done to get the maximum return on a pricey investment. Surgical straightening the legs of yearlings, whose legs would likely straighten on their own if given the time, makes them more attractive and correct in the auction ring and drives the purchase price higher.

Mention of the good care these horses receive also included the breeding farms. **Untamed Irish** was found starving and lice-ridden at the farm. Fortunately, she was rescued 2 weeks before her tiny foal was born after a difficult delivery. I have witnessed and have been given first-hand accounts of emaciated mares with scant haircoats and weak foals at their sides and a mare that was found cross-tied late on a cold January night, her newborn foal lying behind her, its tiny body partially frozen to the cold cement. A 3 year old filly at the farm was starved to where euthanasia was all that could be done for her, and the three 2 year old colts that were urine-soaked and manure-covered stood day after day in a dark barn with a stench so strong that it made breathing difficult.

I have more stories and many names, but I hope it doesn't take more than these mentions to open some eyes. And I'm sure some will say "well, those are the cheap horses"...I have heard it before. But the thing is, imperfect humans assign value to these horses. The 16 million dollar purchase The Green Monkey was a dud on the racetrack, where as the \$7500 dollar yearling purchase **Top Bunk** made over \$550,000. The Green Monkey's failure on the track shouldn't make him any less worthy of respect and true value as a living, breathing, and feeling creature on this planet. And the same should be expected for those with small purchase prices or no to little return of their owners' investments.

I don't feel that being responsible caretakers of the animals that we have domesticated and, in the case of the racing Thoroughbred, have created a sport for our entertainment and financial gain is too much to ask or expect. It's a sad fact that some humans need to be "dictated to regarding what they can or cannot do". Look around and see the evidence of outright defiance of rules and regulations created to protect the racehorse from neglect and abuse.

Horseracing doesn't need any new laws to bring it to an end. Its demise will be brought on by those that have poisoned the true beauty and the pure competition of the sport...those that have total disregard for the welfare of the ones on whose backs millions are made.

Thank you for your time.

Joy Aten
Hudsonville, Michigan

Momentum Gains for Changes in Claiming Rules

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Date Posted: December 8, 2006

Last Updated: December 14, 2006



Hall of Fame trainer Richard Mandella, speaking at Symposium on Racing & Gaming.

Photo: Michele MacDonald

By Michele MacDonald

A suggestion from Hall of Fame trainer Richard Mandella that rules for claiming races be changed to protect against horses with physical problems being passed along as "hot potatoes" to someone else appears to be taking root.

"There's been a great response -- positive -- to it, and I think something will happen," Mandella said this week during the Symposium on Racing & Gaming in Tucson, Arizona.

Participating on a panel called "Equine Career Counseling," Mandella said that, in addition to his original idea that claims should be voided for horses that do not finish races, another possibility would be to change claiming events to races in which runners are sold through an auction system after they compete. That format would allow prospective buyers to examine horses' soundness immediately after racing **and thus would be an incentive for owners and trainers to provide runners with rest or treatment if they have physical ailments rather than using medications that allow continued racing even if a problem is lurking.**

"**This would encourage people to stop and fix the problems,**" said Mandella, who first raised the general issues involving claiming races and unsound runners during the Welfare and Safety of the Racehorse Summit in Lexington in October. He has strongly urged the industry to take action.

Ed Bowen, president of the Grayson-Jockey Club Research Foundation, which coordinated the summit with The Jockey Club, said on Wednesday at the Symposium that he thinks that American racing leaders will follow up on Mandella's proposal and make changes in the system.

"I think it's got a lot of resonance," Bowen said of reaction so far.

Some of those from which Mandella said he has received an initial positive response are Santa Anita Park Racing Secretary Rick Hammerle and John Harris, an owner and breeder who is a member of the California Horse Racing Board. Dr. Rick Arthur, the CHRB's equine medical director who also was attending the Symposium, agreed that some action would be in the best interests of both horses and prospective owners.

"There are different ways to slice this cake. We just have to figure out what works and is palatable," Arthur said, noting the high costs involved with some surgeries and resulting off time that lead to use of medications as temporary fixes. "The problem is that no one in horse racing ever likes to change."

Bowen said future debate on the overall topic likely would include how rules about voiding claims could be written to fairly encompass a variety of situations. For example, if a jockey pulled up a horse before the finish line, fearing something was

wrong, but no physical problem was detected, perhaps a claim on that horse should not be voided. On the other hand, any new rules should not influence riders to avoid easing runners who are in distress, he said.

As far as an auction system goes, post-race sales have been conducted in England and were a part of early American racing tradition, although Bowen said those events, which were called "selling races," disappeared in the United States around the 1920s.

Regardless of which approach might be adopted, Bowen described the proposed changes as having an "exciting potential" to discourage the racing of unsound horses. There could be many benefits, including fairer and safer competitions and more opportunities for future careers for Thoroughbreds.

"To this day, we have far more people looking for sound racehorses to adopt than we have sound racehorses available for adoption," Diana Pikulski, executive director of the Thoroughbred Retirement Foundation, said while participating on the Symposium panel with Mandella.

New York Times articles:

The New York Times

June 15, 2008

Deaths in Racing

In the wake of Eight Belles's breaking down and being euthanized after finishing second last month in the Kentucky Derby, a House subcommittee on commerce, trade and consumer protection asked for the number of horse racing fatalities in the past five years. These numbers were culled from 19 of the 38 racing jurisdictions, and include all breeds — standardbreds, quarter horses and thoroughbreds. In some cases, the deaths were not caused by catastrophic racetrack injuries, but natural illnesses as well as training accidents.

JURISDICTION	5-YR DEATHS	STARTERS	DEATH PCT.
Washington	170	39,806	0.427%
California	749	350,000	0.214
New Mexico	61	29,939	0.204
Louisiana	150	76,247	0.197
New Jersey	75	38,871	0.193
Oregon	61	32,540	0.187
Kentucky	208	114,668	0.181
Maryland	130	71,953	0.181
Minnesota	42	27,090	0.155
Iowa	58	40,900	0.142
Delaware	141	101,583	0.139
North Dakota	10	7,280	0.137
Texas	198	146,452	0.135
Virginia	23	18,057	0.127
Indiana	103	130,200	0.079
Ohio	289	387,000	0.075
New York	388	521,703	0.074
Illinois	173	278,714	0.062
Colorado	6	14,558	0.041

Source: Racing Commissioners International

AP IMPACT: AP finds 5K horse deaths since '03

By JEFFREY McMURRAY – June 14, 2008

LEXINGTON, Ky. (AP) — Thoroughbred racetracks in the U.S. reported more than three horse deaths a day last year and 5,000 since 2003, and the vast majority were put down after suffering devastating injuries on the track, according to an Associated Press survey.

Countless other deaths went unreported because of lax record keeping, the AP found in the broadest such review to date.

The catastrophic breakdown of filly Eight Belles at the Kentucky Derby last month made the fragility of a half-ton horse vivid for the millions watching, but the AP found that such injuries occur regularly in every racing state. Tracks in California and New York, which rank first and sixth in thoroughbred races, combine to average more than one thoroughbred death for every day of the year.

Questions about breeding, medication, synthetic surfaces versus dirt and other safety issues have dogged the industry for some time, and a congressional panel has asked key players in the sport to testify this week about its direction, particularly the influence of steroids.

The AP compiled its figures from responses to open records inquiries sent to the organizations that govern the sport in the 29 states identified by Equibase Co., a clearinghouse for race results, as having had at least 1,000 thoroughbreds start a race last year.

Arkansas, Michigan, Nebraska said their organizations don't track fatalities at all, and only one of Florida's three main thoroughbred tracks provided numbers. There were wide differences among the other states in what types of deaths are monitored and how far back the records go.

"Nobody really knows how big of a problem it is," said Rick Arthur, California's equine medical director. "They just know it's a big problem."

When a horse breaks a leg — let alone two, as Eight Belles did — often the only choice is to euthanize the animal. A thoroughbred's bones are thinner than most breeds. Usually it's not possible for the horse to lie down for long periods because that could disrupt the blood flow to the arteries in the lower limb, causing an extremely painful hoof infection called laminitis.

Barbaro, who won the Kentucky Derby in 2006, broke down in the Preakness and was euthanized with laminitis several months later after a gallant effort to save him.

Despite the regularity of such breakdowns and the money involved in the sport, no one is certain how many horses are lethally injected on the nation's tracks each year. The Jockey Club, which registers all North American thoroughbreds, did not know of another comprehensive, state-by-state tally of fatalities at tracks before the AP's, said Bob Curran, a Jockey Club vice president.

Larry Bramlage, the on-call veterinarian at Churchill Downs in Louisville, Ky., who made the grim announcement that Eight Belles had been euthanized after the Derby, said fatality numbers don't seem to be dropping, despite major medical advancements. To Bramlage, that suggests racing injuries are becoming more frequent because vets are already pulling the most injury-prone horses before post time.

"We're able to pick them up better, with digital X-rays, bone scans and MRIs, which give us the information we need to take those horses out of training," Bramlage said. "In spite of that fact, we're not denting the total number of deaths."

California officials became alarmed in 2005 when the number of thoroughbred racing deaths there spiked by nearly 50 percent from just two years earlier. Last year, 314 horses — 261 of them thoroughbreds — died at California's tracks, including those hurt in training or barn accidents, and a few that suffered other injuries or medical complications.

"Just seeing the totals and the recurrent theme, it's eye-opening," said Bon Smith, assistant director of the California Horse Racing Board.

Beginning this year, California has mandated that all its major tracks replace their dirt surface with a synthetic mixture found in some studies to be safer for horses and jockeys.

While California's thoroughbred fatalities are nearly triple those reported by any other state, its warm weather and bounty of tracks make it the nation's busiest racing state. And it has received high praise across the industry for the way in which it tracks deaths — every death that occurs on the public grounds of a California racetrack is recorded in detail, largely through veterinary reports.

Some other major racing states have no records of fatalities that occur during morning training exercises, even those that happen on the tracks where races are run in the afternoon. Kentucky listed 228 deaths since 2003, but none of them from training accidents, which in some states that track them account for nearly a third of the total.

Other states, such as Colorado and Iowa, run mixed breed meets, in which quarterhorses might appear in one race a day while thoroughbreds make up most of the rest. Often, these states list the deaths only by meet, not breed, although veterinarians say the more muscular torsos and spindly ankles of thoroughbreds make them more susceptible to injury.

Many states that do closely track horse deaths haven't been doing it for long. New Mexico counted 52 deaths in 2007, but its racing commission said it had no records before that.

Some states that do monitor deaths don't differentiate between horses that die in freak accidents in their barns, for instance — the consensus is that such deaths are rare — and those that break down training or racing and are destroyed.

Such discrepancies have made the task difficult for Mary Scollay, a veterinarian at two Florida racetracks who has created a uniform national injury reporting system that aims to record every thoroughbred fatality. Scollay, who next month will become Kentucky's equine medical director, said 65 tracks are participating in the program now, but only 30 have compiled a full year's worth of data.

She declined to release the preliminary numbers, explaining the sample size is still too small to draw conclusions. It could take years, Scollay said, before major trends can be identified.

"Certainly we know more than we did last year at this time, and one fatal injury is one too many," Scollay said. "We know we need to do better. I think within the last few weeks, there's been a mobilization of the industry to do some pretty serious things."

Those who own and handle the animals stand to lose plenty when a horse is put down.

Timothy Capps, a professor at the University of Louisville's equine industry program, said most racehorses don't carry mortality insurance. The ones that do typically carry only a fraction of their projected value as a stallion or mare, Capps said.

After the gruesome breakdown of Eight Belles, the Jockey Club created a national panel to examine safety, and the Kentucky Horse Racing Authority did the same on the state level.

Among the topics being reviewed are track surfaces, medication (particularly steroids), the use of the whip by riders, and whether — as Bramlage suggests — thoroughbreds are becoming less durable because they're being bred to emphasize speed rather than stamina early in their careers.

"Those that do get hurt maybe get hurt worse because of their speed and size," said Larry Jones, who trained Eight Belles. "A good big horse will outrun a good little horse, and they can be more fragile because their legs and joints have to hold a lot more."

A House Energy and Commerce subcommittee has asked states for the figures they have on fatalities ahead of a hearing scheduled for Thursday.

Of particular interest to Congress is the influence of steroids, which were legal this spring in most racing states including Kentucky, Maryland and New York — which host the Triple Crown races.

Those advocating a steroid crackdown got ammunition when Big Brown, who easily won the Kentucky Derby and Preakness Stakes with the steroid Winstrol still in his bloodstream, ran the Belmont without it and finished last.

Rep. Ed Whitfield, R-Ky., said steroids should be banned — not regulated — in horse racing but questions whether the sport has the ability to police itself.

"There are enough people I have great respect for who say this industry is really beginning to be in trouble," Whitfield said.

Hall of Fame trainer D. Wayne Lukas said the sport gets a bad rap for what he believes it does best — take care of the animals.

"There isn't a trainer worth his salt that doesn't look into this 24 hours a day," Lukas said. "I'll guarantee you that if any one of those purists who feel like it's an abusive sport would spend two weeks in my barn, they'd walk away a different person and have a greater appreciation for the care. Animals don't have a say in it, but when they get to this level, they have a pretty good deal going."

Making the Right Decision

For every sad story we are faced with every day, there are good stories. Horses that were not pushed beyond their limits. Horses that were not given injection after injection into tired joints. Horses that were not given drugs—legal and illegal, until they were used up.

This is our chance to show that if the right decision is made, the decision to retire a horse before it is too damaged, they can have value and life outside of the racetrack.

There is another life waiting for these horses.

So what happens when they don't run the legs off a Thoroughbred with no talent (at racing)?

Written by Denice Klinger



Welcome Back, a 1992 TB should have been a winner on the track, if for no other reason than everything his dam produced that made it to the track was a winner. And usually a stakes or allowance race winner at that.

Welcome Back was born to it – he was elegant and well balanced, he *looked* the part. He was *bred* to the part.

He was a dud.

His breeding suggests he might have been happier on the turf going a mile and a half, but there aren't a lot of those races for maidens so he was a spectacular failure as a 2 year old running shorter distances on the dirt at Belmont. Still, there was that breeding. The temptation to run him down the levels must have been there, and "rock bottom" is a long, long way from Belmont. So maybe it was Welcome Back's stroke of good luck that he mildly strained his tendon – the mildest of mild bows. His next stroke of good fortune was that he was owned and trained by people who just didn't think the now three year old dud was worth any more of their time and money. So they contacted the person who handled their racehorses when they needed some R&R and asked if he knew anyone who would take Welcome Back off their hands. He did. He called her and asked her if she wanted Welcome Back. She did.

So Denice Klinger became Welcome Back's new owner early in his four year old year and she took him on to his new career, as a hunter competing in shows recognized by the United States Equestrian Federation. This is where Welcome Back, now known as "Kings and

Vagabonds" showed what all that breeding, elegance and balance was meant for. Not only was he good at his job, he was - and is - great at his job. He has placed in top shows from West Palm Beach to Lake Placid, and his awards include numerous champions and reserve champions in the adult amateur division at shows, year end reserve champion in his state association, first in the Performance Horse Association's zone awards and top 10% in the United States Equestrian Federation's zone awards on multiple occasions.

The ironic thing is that horses that compete in these divisions can cost anywhere from the mid five figures to low six figures. Welcome Back is worth FOUR times the value he raced at, and that assumes he'd been successful at that level. But the likelihood he would be that same valuable, successful horse in this second career if his trainer/owner had not stopped on him early is almost nonexistent. His current job isn't as tough as racing, but it still has zero tolerance for a horse who hurts.

The really important thing is he has a good home and an owner who enjoys every day of their partnership in and out of the show ring for the last 12 years. But it's also important to recognize that he has a job and a value, because a horse who has those things is an important part of the economic machinery that is equestrian sports in this country. It's not just racing that employs people and uses goods and services, competitive horse sports also generate jobs and use goods and services.



A Feel Good Story

Comp, a 2000 model gelding by Top Account, was an allowance winner at Suffolk Downs who earned a great deal of money for his connections. He was starting to show some wear and tear, and his trainer, a very caring man named Chris Rubera, refused to push him at the allowance level for fear of getting him hurt. At the same time, while many trainers would have simply dropped the horse into a claiming race to get rid

of him and pick up a check, Chris wouldn't go that route either. He instead approached us and said he would like to donate Comp to CANTER New England so that we could find a good home for his sweet and hard-working "bread and butter" horse.

As luck, and maybe fate, would have it, we found an approved adopter who was originally interested in another horse. She saw Comp, however, and realized she had "met" him at the track when he was a 2-year-old! It was love at second sight, and she took him home to her farm in New Hampshire. Now known as "George," he is a very happy "pet," trail horse, and companion, and Chris has already come to visit him. Chris has been so supportive of the CANTER rehoming program from day one, and is proof that trainers who care and who make the right decision for their horse, can see those animals into new homes.

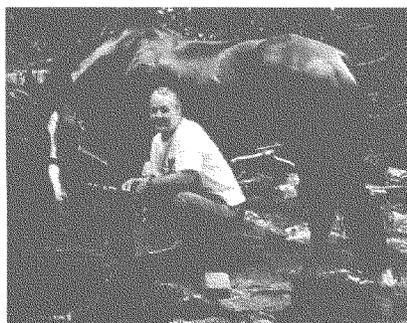


Freedom On the Wind

Freedom was donated to us by his owner, Paul Rodliff. Paul is known for taking excellent care of his horses and has also donated a second horse, The Lights Are On, who is currently in foster care. Freedom, a KY-bred son of Fly So Free, was a good racehorse, but was slowing down competitively due to some lumps and bumps and nagging leg issues. Paul didn't want to push the horse and risk

a serious injury. He tracked us down to inquire about the best route for ensuring Freedom's safety and well-being now that his racing days were over.

Freedom was eventually adopted by his foster mom, Liz Goldsmith, who does volunteers her time doing Public Relations for CANTER. He is now a healthy, gorgeous boy, stabled at a beautiful farm west of Boston, MA. He has also competed in several of our benefit hunter paces.



Lone Fan – aka Gumby

(Told by Allie Conrad, Executive Director, CANTER Mid Atlantic)

When I first received the call from Lone Fan's owner, I found myself doing the math in my head as to where he could go. We were full, and low on funding. His story inspired me to find a way.

As his owner told me about his successful racing career and sad breakdown in the stretch of his last race, I found myself thinking "Wow".

Gumby, as he was known around the barn, had one last race before he was to retire. His owner invited all of his family and friends to send his horse off in style, and described the moment he

saw his beloved horse tumble in the stretch of a Turf race at Laurel. "He dislocated his pastern" he said. But that was more than a year ago. You see, this owner loved this animal and he decided to do right by him. Surgery was arranged, followed by intensive stall rest and gradually, months later, he was hand walked on the fragile leg. A year later Gumby was happily galloping the fields of his layup facility. Dave, his owner, went on to describe the humongous vet bills Gumby incurred.

I remember asking him why he spent so much money and time to fix his horse, when so many people would have just euthanized him or sent them off to the sale. His answer resonates with me to this day:

"It wasn't his fault he got hurt"

Because this caring owner took the time to heal his broken horse, and then the time to find it a loving home, he thrives as a dressage and trail horse with his new owner. Please find her

account below:

From Gumby's new owner: When I first saw Gumby at his foster care home, I fell in love with him. He was like a big puppy dog. I had to have him. I already had another TB gelding, so Gumby had a buddy to pal around with. They have been best buds from the moment they met. Since the first day home, he has been wonderful. He is so laid back. On his first trail ride that summer, he acted like he had been doing trails for years. He was so quiet and enjoyed his walk in the woods.

Since then, we have done many overnight camping trail rides. He is wonderful on the picket line and enjoys those late night snacks. He loves to go out and is always eager to get on the trailer. Going out alone with him is no problem. We don't do much jumping other than the occasional log on the trail. He really enjoys water.

He is such a good boy and loves his new career. I am so lucky to have been able to get him and give him the easy life he has (don't ask him about that after a 5 day ride). Thank you CANTER!

Lisa DeLauder, Maryland

CANTER Mid Atlantic Horses Taken in from 2006-2008 Prepared by CANTER Mid Atlantic, Allie Conrad			
Name of Horse (registered name)	Age	Condition/Soundness	Track
Last Train Home	5	Unsound--Bowed Tendon. Rehabbed and placed	Charles Town
Massacre	4	Unsound-track soreness	Charles Town
Queen of the Ship	4	Sound but euthanized from colic after suspected crashing from drugs	Charles Town
Royal Abbie	3	Sound	Charles Town
Calabria Rose	3	Unsound-Muscle tear in shoulder, feet in bad shape. Purchased for 300\$ from owner who was sending her to slaughter	Charles Town
Kid Klondike	3	Unsound, Double Bow- 1 year Rehab-rehomed	Charles Town
Minnie Ball	3	Sound	Pimlico
Yellow Tavern	4	Sound	Charles Town

Dixie Rumble	3	Unsound-severe hind end lameness-1 year rehab	Charles Town
Indy's Wolf	3	Unsound-suspected vertebral fracture. 2 year rehab. Knee chips	Charles Town
Enlightened One	3	Sound, however immediately had unexplained laminitic episode. Vets suspect systemic steroids	Charles Town
Wek	3	Unsound- Severe knee arthritis	Charles Town
Seven Sails	5	Unsound—hind end lameness. 1 year rehab	Charles Town
Cool Diggins	3	Unsound, fractured coffin bone. Euthanized	Charles Town
Saintsgomarching	5	Unsound, arthritis in hocks, knees and pelvis. Euthanized due to colic 6 months after leaving track	Charles Town
Prime Time Phil	5	Unsound-Severe infection in tendon sheath. Euthanized after infection burst	Laurel
Flint Hills	3	Unsound, sesamoiditis. Multiple breathing surgeries	Pimlico

Miamineedsahalo	3	Unsound, shattered sesamoid in last race. 2 year rehab.	Charles Town
Cavelleria	3	Unsound, hoof problems, quarter crack	Charles Town
Whistlewhiteyourun	3	Sound	Charles Town
Ski Onheir	5	Unsound, severe arthritis in knees. Euthanized	Charles Town
Emily Bug	3	Sound	Charles Town
Sunshine Admiral	9	Unsound, severe arthritis in ankles	Charles Town
Not Acceptable	4	Sound, aggression issues	Charles Town Racetrack
Outflankerslass	4	Sound, retired after second race	Charles Town Racetrack
Divisional Champ	8	sound	Charles Town Racetrack

Cash's Dynamite	4	Multiple Knee and ankle chips, inoperable-broodmare only	Philadelphia Park
Best To Be Elusive	4	sound	Charles Town Racetrack
Funny Cat	4	Advanced arthritis in ankles	Charles Town Racetrack
Rosso Toscano	13	Advanced arthritis in hocks, knees, ankles. Raced 10 years	Charles Town Racetrack
Lady Monica	4	Sound	Charles Town Racetrack
Galena Pass	16	Purchased for 250\$ Underweight, bad uterine infection.	Charles Town Racetrack Paddock sale
Lone Fan	6	Sound after rehab from breakdown (owner rehabbed)	Laurel Racetrack
Venus Rules	4	Purchased for 200\$ at paddock sale. Severe FRESH slab fracture. Was made to stand around all day in 100 degree heat. Euthanised.	Charles Town Racetrack Paddock Sale
Rubi Prince	4	Sound	Charles Town Racetrack

Lamina Bluestreak	3		Displaced slab fracture, Euthanized	Charles Town Racetrack
Whispergetnlouder	4		Unsound Condylar Fracture—2 year rehab	
Loyal Deer	2001		Unsound/found nail in foot—surgery performed	Charles Town Racetrack
Jet Setting T.	2001		Sound	Charles Town Racetrack
Oddsman	2001		Unsound, Arthritis in Stifle	Charles Town Racetrack
Storming Magic	2001		Sound	Charles Town Racetrack
Final Table	1999		Unsound, joint infection in Fetlock.	Mountaineer
Ravens Lane	1995		Sound with maintenance, arthritis	Private Farm/Charles Town
Bubba Dunc	2000		Sound with maintenance, arthritis	Charles Town Racetrack

Mr. HILL. Mr. Waldrop.

STATEMENT OF ALEXANDER M. WALDROP, CHIEF EXECUTIVE OFFICER, NATIONAL THOROUGHBRED RACING ASSOCIATION

Mr. WALDROP. Mr. Chairman, Ranking Member Whitfield and members of the subcommittee, thank you for this opportunity to speak on behalf of the National Thoroughbred Racing Association, its 65 member racetracks, 40 horsemen's groups, and 1 million individual supporters. NTRA is thoroughbreds' only centralized authority representing virtually all industry stakeholders, including owners, breeders, trainers, racetracks, riders, racing fans, and veterinarians. As such, we serve the industry as a consensus builder around solutions to problems of national importance for the horse-racing industry.

With an industry as diverse as ours, consensus is often difficult; nonetheless, our stakeholders agree that the health and safety of our equine athletes is paramount to our sport. From its earliest days pari-mutuel wagering has partnered with State governments to sanction and regulate horseracing both as a sport and as a pari-mutuel wagering industry. State governments ensure the public of the integrity of our operations through independent oversight and verification.

States also play a critical role in ensuring health, horse health, and safety. States regulate our industry through State racing commissions, and these individual commissions operate under the umbrella of the Association of Racing Commissioners International, or the RCI, which develops and promulgates national standards called model rules for racing. And the challenge of our State-regulated structure is to implement uniform rules in all 38 racing jurisdictions.

Some are questioning whether our industry has the governing structure necessary to effect change. I can't speak for the distant past, but I can tell you that recently this industry has been making great strides towards uniformity at the national level, and the NTRA has played an important catalyst to that change.

One of the foremost examples of cooperative uniform solutions to industrywide challenges is the Racing Medication and Testing Consortium. The RMTC is governed by a board of directors consisting of 23 industry stakeholders, including regulators, veterinarians, chemists, as well as owners, trainers, breeders and racetracks from all breeds. Working with the guidance from the RMTC, the RCI has developed a comprehensive set of model rules which govern the use of drugs and therapeutic medications in racing. These model rules have now been adopted in 32 of 38 racing jurisdictions, including all major racing States.

The RMTC has also helped the RCI develop tough but standardized penalties for drug violations, and these tougher penalties are now in place in almost half of all States that conduct horseracing, with more States expected to adopt these penalties soon.

Most recently we worked closely on a policy regarding anabolic steroids. With the full support of the industry, the RCI has called for all racing States to adopt a standardized rule removing anabolic steroids from racing and race training by the end of 2008. Some 28 States are now in the process of removing anabolic steroids from

competition, with the remaining 10 expected to follow suit shortly. Importantly, in the case of anabolic steroids, we have made progress in a matter of months, not years, proving that we can act quickly, collectively and constructively. This industry is no longer a rudderless ship.

Likewise, for several years we have been addressing equine health and safety on a national basis. In 2006, our industry initiated numerous national studies in areas such as injury reporting, track services, veterinary research, and equine injury prevention; hence the panelists that we have today. The Jockey Club's Thoroughbred Safety Committee is the perfect example of cooperative work done to address our sports health and safety issues. In fact, you heard earlier from Mr. Marzelli more safety measures that have been recommended, and the NTRA strongly supports those and will help make sure that those changes are implemented.

I have stressed to you the last thing this industry needs is another layer of regulation. A large Federal bureaucracy funded by yet another tax on our long-suffering customers is simply not what we need.

We are making progress towards uniformity in drug testing and medication rules; removing steroids from racing competition; implementing a great injury reporting system, as you have heard; exploring new synthetic racetrack surfaces to reduce injuries; continuing to conduct industry-funded research into the cause of the equine injuries.

The horseracing industry should be allowed to continue its efforts to build a more uniform and cohesive health and safety program for its participants. We at the NTRA and our industry stakeholders are uniquely qualified and fully committed to working through our sports complex issues as they relate to equine health and safety, relying on sound science and research. I believe that the NTRA's leadership, plus improved drug and safety rules, more transparency, expanded research, coupled with the continued oversight of this committee and the States themselves is the best recipe for progress that we all see. Our horses and our fans deserve nothing less.

Thank you very much.

[The prepared statement of Mr. Waldrop follows:]

STATEMENT OF ALEXANDER M. WALDROP

Chairwoman Schakowsky, Ranking Member Whitfield, and Members of the Subcommittee, thank you for this opportunity to speak on behalf of the National Thoroughbred Racing Association and its 65 member racetracks, 40 horsemen's groups and one million individual supporters.

NTRA is Thoroughbred racing's only centralized authority representing virtually all industry stakeholders, including owners, breeders, trainers, racetracks, riders, racing fans and veterinarians. As such, we serve the industry as a consensus builder around solutions to problems of national importance to the horseracing industry.

With an industry as diverse as ours, consensus is sometimes difficult. Nonetheless, our stakeholders agree that the health and safety of our equine athletes is paramount to our sport.

From its earliest days, pari-mutuel horseracing has partnered with state governments to sanction and regulate horse racing both as a sport and as a pari-mutuel wagering industry. State government insures the public of the integrity of our operations through independent oversight and verification.

States regulate our industry through state racing commissions. These individual commissions operate under the umbrella of the Association of Racing Commissioners

International or RCI, which develops and promulgates national standards called model rules of racing. The challenge of our state regulated structure is to implement uniform rules in all 38 racing jurisdictions.

Some are questioning whether our industry has the governing structure necessary to effect change. I can't speak to the distant past but I can tell you that recently this industry has been making great strides towards uniformity at the national level and the NTRA has been an important catalyst for that change.

One of the foremost examples of cooperative, uniform solutions to industry-wide challenges is the Racing Medication and Testing Consortium. The RMTC is governed by a Board of Directors consisting of 23 industry stakeholder groups including state regulators, veterinarians, and chemists, as well as horse owners, trainers, breeders, and racetracks from all racing breeds.

Working with guidance from the RMTC, the RCI has developed a comprehensive set of model rules which govern the use of drugs and therapeutic medications in racing. These model rules have now been adopted in 32 of 38 racing jurisdictions, including all major racing states. The RMTC has also helped the RCI develop tough but fair standardized penalties for drug violations. These tougher penalties are now in place in almost half of all states that conduct horseracing with more states expected to adopt the model penalties soon.

Most recently we have worked closely on a policy regarding anabolic steroids. With the full support of our industry, the RCI has called for all racing states to adopt a standardized rule removing anabolic steroids from racing and race training by the end of 2008. Some 28 states are now in the process of removing anabolic steroids from competition, with the remaining 10 expected to follow suit shortly.

Likewise, for several years we have been addressing equine health and safety issues on a national basis. In 2006, our industry initiated numerous national studies in areas such as injury reporting, track surfaces, veterinary research, and equine injury prevention programs. The Jockey Club's Thoroughbred Safety Committee is a perfect example of the cooperative work being done to address our sport's health and safety issues at the national level. In fact, as you heard earlier from Mr. Marzelli, more safety measures have been recommended and the NTRA will help in advocating for these changes.

The last thing this industry needs is another layer of bureaucracy. A Department of Horse-Land Security funded by yet another tax on our long-suffering customers? No thanks.

We are making progress towards uniformity in drug testing and medication rules; removing steroids from racing competition; implementing an injury reporting system; exploring new, synthetic track surfaces to reduce injuries; and continuing to conduct industry-funded research into the causes of equine injuries.

The horseracing industry should be allowed to continue its efforts to build a more uniform and cohesive health and safety program for its participants. We at the NTRA and our industry stakeholders are uniquely qualified and fully committed to working through our sport's complex issues as they relate to equine health and safety, relying on sound science and research. I believe that the NTRA's leadership, plus improved drug and safety rules, more transparency and expanded research, coupled with continued oversight from this committee and the states is the best recipe for the progress we all seek. Our horses and our fans deserve no less.

Mr. HILL. Thank you, panel members. We appreciate your attendance here and you taking the time to come before this committee.

We have been called for votes. One of the skills that a Member of Congress has to have is to fly by the seat of your pants all the time. We apologize for this. But what I want to do is give every panel member the opportunity to ask one question, and then we will adjourn the committee.

Ms. Conrad, I would like to start with you. Can you describe what your horses go through as they go through withdrawal from steroids and other drugs in their bodies when your organization rescues them?

Ms. CONRAD. The problems we see, they vary depending what drugs they are on. Unfortunately we don't have access to the vet records, so we don't know exactly what they are on. We are work-

ing backwards. I would say the most damaging things we see are the corticosteroids, the injections, the systemwide steroids that are given. We see mass weight loss, mass hair loss, loss of condition, depression, lethargy. They go through a terrible, terrible withdrawal period. And it is not just the anabolic steroids. That is the buzzword that has been floating around. That is not the worst one, in my opinion. It is not a great steroid, but a lot of times on the low-level tracks is what is holding these horses together.

Mr. HILL. Wasn't Big Brown on steroids?

Ms. CONRAD. From what I understand, yes.

Mr. HILL. That is not what happened to him in the last race, is it, withdrawal from it?

Ms. CONRAD. I do not know. I do not know. It was hot. It could have been a deep track. I don't know.

Mr. HILL. Dr. Soma, would you know the answer to that question?

Dr. SOMA. Based on the last known administration, he wasn't on any anabolic steroids at the time, based on the time frame between when he was—

Mr. HILL. Mr. Whitfield.

Mr. WHITFIELD. Thank you. I will say that Jack Van Berg has won more horses than any living trainer, who testified earlier and is back there. I asked him that question last night, and he said he thought it had to do more with the split hoof than anything else.

So having said that, Mr. Waldrop, I would disagree with you in the sense that, yes, the NTRA does have a partnership with State government. It also has a partnership with the Federal Government in that the industry came and asked for the Interstate Horse Racing Act to be adopted. It came back and asked for the help of the Interstate—from the Federal Government dealing with the Wire Act and with Internet gambling, getting exemptions for that. And I don't think it is unreasonable for the Federal Government to set minimum standards. The representative of the Jockey Club and you yourself have admitted that you do not have the enforcement mechanism to require anyone to do anything. And I think the first panel displayed very clearly that there are serious problems in the industry.

I have talked to a lot of different racing authorities in each State. There is no agreement on the penalty levels of any of these so-called uniform rules. There is total confusion about the anabolic steroids. Dr. Kate Lynn, who is the expert, in my view, says that you cannot regulate them; they should be banned in their entirety.

So I appreciate your testimony, Mr. Soma. I think you pointed out very clearly that Lasix and also anabolic steroids are not used so much for therapeutic reasons as they are for a performance enhancer. And other jurisdictions around the world do not allow anabolic steroids or Bute or Lasix.

So with that we have other Members who have been here just as long as I have, so I will yield back the balance of my time.

Mr. HILL. Mr. Stearns.

Mr. STEARNS. Thank you, Mr. Chairman.

Ms. Conrad, you had mentioned that this system of steroids that are used, the blame goes to veterinarians, owners, and trainers. I think that is what you said; is that true?

Ms. CONRAD. Yes.

Mr. STEARNS. I would ask each of the panel to the best of their personal opinion, where predominantly is the blame to go for this system of steroids. With the veterinarians, the owners, or the trainers or all three? Dr. Soma, just go down the line.

Dr. SOMA. I think it is all three, because if a trainer—

Mr. STEARNS. I understand. We don't have a lot of time.

Dr. SOMA. All three, yes.

Mr. STEARNS. Dr. Stover.

Dr. STOVER. Well, perhaps we should all take some responsibility.

Mr. STEARNS. So all three are equally at fault, in your opinion? Aren't the veterinarians just reacting to what the trainers request?

Dr. STOVER. I think that is a difficult question to answer. I think we are all responsible for the horses' welfare.

Mr. STEARNS. OK. Next.

Dr. MCILWRAITH. I agree. We are collectively responsible for their welfare.

Mr. STEARNS. OK. Next.

Dr. SCOLLAY. I would agree, but I would also add in racetrack management and other stakeholders.

Mr. STEARNS. The pressure comes from them also?

Dr. SCOLLAY. Sure, to fill races, get horses to run. If you are allotted stalls, you are expected to perform. And so there is no one group, it is everybody.

Mr. STEARNS. Now, Ms. Conrad, you can actually put the blame on somebody here. Everybody is waffling on this and saying everybody is responsible. Surely you must, from your perspective, think there is one group that has a little more pressure than the others. All three can't be equally at fault.

Ms. CONRAD. Actually I think they can. It depends on if you have a young vet that shows up at the track and wants to make a living, and the trainer says—they find out a horse has a fracture. The trainer says, inject it, or I am not employing you any longer. They have to make a living. I mean, it is complex.

Mr. STEARNS. OK. Mr. Waldrop.

Mr. WALDROP. We are all responsible. The industry as a whole let this practice continue too long, but we resolved in our commitment to stop it by the end of this year.

Mr. HILL. OK. We have 5 minutes before we vote.

Mr. Pitts.

Mr. PITTS. One more question. Ms. Conrad, your stories, the tragic stories, are very compelling. You explain the problem. Could you tell us a little bit more about the solution that you envision and the actions that are necessary to reach it?

Ms. CONRAD. Echoing the panel, the first panel, if you get rid of a lot of these drugs, these horses will not be able to run. The problem will address itself over time. It will address the soundness issues. If a horse's bloodline tends towards ankle problems, and you can no longer inject that joint 2 days before it runs, that horse is not going to run any longer. That horse is not going to be a valuable commodity as a breeding animal. That will resolve a lot of the problems. Funding for the groups that take care of the animals

that aren't getting taken care of, that is going to solve—it is a mandate, but it is needed. It is needed right now.

Mr. PITTS. Thank you very much.

Mr. HILL. If I could ask the Committee to give unanimous consent to have the following organizations' statements entered into the—their statements entered into the record. It is the American Association of Equine Practitioners, People for the Ethical Treatment of Animals, Cosigners and Commercial Breeder's Association, Racing Medication and Testing Consortium. Without objection, I would like to have these written statements entered into the record.

[The information was unavailable at the time of printing.]

Mr. HILL. The committee is adjourned.

[Whereupon, at 1:35 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]



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August 22, 2008

Hon. John D. Dingell
 Chairman
 Committee on Energy and Commerce
 United States House of Representatives
 Room 2125 Rayburn House Office Building
 Washington, DC 20515-6115

Dear Representative Dingell:

On behalf of The Jockey Club, I appreciate the opportunity to add to the comprehensive information I provided to the Subcommittee on Commerce, Trade, and Consumer Protection in my letter dated June 2, 2008 and my written and oral testimony on June 19, 2008. The following are my responses to Representatives Rush's and Whitfield's supplemental questions attached to your August 8, 2008 letter.

Questions from the Honorable Bobby L. Rush

- 1. If The Jockey Club cannot force adoption of its very laudable recommendations (such as a ban on steroids and toe grabs), why shouldn't the federal government step in and help? How many racing jurisdictions have thus far adopted The Jockey Club's recommendations?**

The Thoroughbred industry's strong and positive response to the preliminary recommendations of The Jockey Club's standing Thoroughbred Safety Committee has shown the industry's preparedness and ability to take responsibility for adopting the proposed reforms. In the short time since those recommendations were announced, these significant developments, among others, are noteworthy:

- On June 17th the Thoroughbred Safety Committee issued preliminary recommendations. Included in those recommendations were a ban on toe grabs and adoption of the RCI model rule on anabolic steroids by all 38 state racing commissions by no later than January 1, 2009.
- As of that date 10 states had adopted the model rule and 12 more were in the process of doing so. At last count those numbers stand at 12 and 18, respectively.
- In early August, both Breeders' Cup and the TOBA Graded Stakes Committee made adoption of this model rule a requirement for participation in their programs effective January 1, 2009. These two actions are significant. Effectively, every major racetrack and racing jurisdiction must have this

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model rule in place as of that date in order to conduct the sport's highest quality racing.

- On August 15th the member racetracks of the Thoroughbred Racing Associations of North America unanimously endorsed the recommendations of the Thoroughbred Safety Committee and committed to work with racing commissions in their respective jurisdictions to implement the RCI model rule on anabolic steroids by the end of 2008.
- On the subject of toe grabs, the RCI Model Rules Committee and RCI Board of Directors adopted the Thoroughbred Safety Committee's proposed model rule in early August. The major racing states of California, Kentucky and New York have begun implementation of the ban, the first two through legislation and the latter through house rules adopted by the New York tracks themselves. Numerous other racetracks and racing commissions have done the same and others are in the process of doing so.

In my June 2, 2008 letter response to the questions contained in the Subcommittee's letter dated May 22, 2008, I explained:

"We are sure that the Subcommittee recognizes that the power to impose regulatory solutions lies in the hands of the racing commissions of 38 states with jurisdiction over Thoroughbred racing and pari-mutuel wagering. Throughout the years, The Jockey Club has worked with regulators as well as private stakeholders in the Thoroughbred industry to encourage the adoption of uniform policies and penalties to bring about needed changes that have been identified in studies commissioned and funded by The Jockey Club and others."

"The Jockey Club is committed to working vigorously within the Thoroughbred industry to identify and implement solutions and working within the framework of the current state of regulation and industry representation to do so. We are confident that our recently formed Thoroughbred Safety Committee will identify and address reforms that need to take place with respect to this country's medication policies, as well as the overall issues of health and safety of the horse, and that we will harness the appropriate support from within the industry to implement the recommendations that will be forthcoming later this summer and beyond."

As clearly stated above, The Jockey Club does not have the power to "force" adoption of the recommendations of its Thoroughbred Safety Committee. However, we have been focusing our efforts on effecting positive change in our industry, and it is evident based on the rapid progress being made that the industry is well on its way to implementing these two important reforms.

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2. Do you think it's healthy for the Thoroughbred breed to have up to 200 mares covered by just one stallion?

For the 2007 breeding season there were 60,076 mares that were covered by 3,366 stallions, an average of 17.9 mares covered per stallion. A small percentage of those stallions covered in excess of 100 mares. We are not aware of any data that suggests that current breeding decisions being made in the marketplace are not "healthy for the Thoroughbred breed."

3. While inbreeding has long been an established practice of breeding Thoroughbreds, do you think the practice may, at times, be extreme, particularly with bloodlines that are alleged to be precocious, but unsound?

Setting aside the portion of this question that is based on allegations rather than fact or scientific study, our answer is essentially the same as our response to question 2 above. We are not aware of any data that suggests that current breeding decisions being made in the marketplace are "extreme."

4. The Jockey Club recently announced the launching of a nation-wide database that tracks Thoroughbred injuries. Are tracks required to report injuries to this database? Are injuries from training also reported?

The Equine Injury Database system that was launched by The Jockey Club on July 22, 2008 will provide the racing industry with a national database of racing injuries suffered during both training and racing. Originally put forth at the 2006 Welfare and Safety of the Racehorse Summit, the primary objectives of the Equine Injury Database are to:

- Identify the frequency, types and outcome of racing injuries using a standardized format that will generate valid statistics;
- Identify markers for horses at increased risk of injury; and
- Serve as a data source for research directed at improving safety and preventing injuries.

In the very short time since this system was launched, 53 racetracks have signed agreements to participate in the system, which is for both racing and training. In an effort to expedite this process, the Thoroughbred Safety Committee has requested that the RCI Model Rules Committee, the RCI Board of Directors and all state and provincial racing commissions institute model rules requiring all racing associations, training facilities and individual licensees to participate in a commission approved injury reporting database.

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5. Do you believe this database will be used to inform breeding practices? Should it be used in such a fashion?

I am not sure what is meant by the phrase "inform breeding practices." Nevertheless, please refer to our response to question 4, which provides a comprehensive answer with respect to the Equine Injury Database.

Questions from the Honorable Ed Whitfield

- 1. On June 17th, the Thoroughbred Safety Council issued preliminary recommendations, one of which was for all state racing authorities to adopt the RCI model rule on Androgenic Anabolic Steroids by the end of the year. If all 38 jurisdictions do not adopt the "model rule" in its entirety by that date, would you support federal legislation to make the model rule (and the other recommendations by the Council) mandatory? Why or why not?**

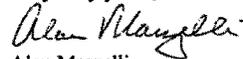
Please refer to the response to question 1 from the Honorable Bobby L. Rush for our complete response. In summary, The Jockey Club and its Thoroughbred Safety Committee have been focusing our efforts on effecting positive change in our industry, and it is evident based on the rapid progress being made with respect to adoption of the RCI model rule on anabolic steroids that the industry is well on its way to implementing this, as well as other important reforms.

- 2. If you do not support that, what would be an appropriate amount of time Congress should give the state racing jurisdictions to implement these recommendations before mandating their adoption?**

Please refer to the response to question 1 above.

We trust that this adequately responds to the questions raised in your letter dated August 8, 2008.

Very truly yours,



Alan Marzelli
President & Chief Operating Officer

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, GOVERNOR

CALIFORNIA HORSE RACING BOARD
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August 21, 2008

The Honorable John D. Dingell
Chairman
U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

Dear Congressman Dingell:

Below you will find my responses to the additional questions submitted to me in connection with the Subcommittee on Commerce, Trade and Consumer Protection Hearing entitled "Breeding, Drugs and Breakdowns: The State of Thoroughbred Horseracing and the Welfare of the Thoroughbred" on June 19, 2008.

Question #1

As a state regulator, what do you think Congress should do to get states to adopt reforms and the Jockey Club's recommendations quickly?

Answer to Question #1:

There is little doubt in my mind that significant and swift reforms, including a code of conduct, must be adopted nationally by the racing industry. If the industry cannot adopt such a plan within a specific timeframe, I would favor those states, or entities unwilling to adopt reforms to be restricted from transmitting or accepting wagers from other states. Congress has the ability to create such a requirement and if the industry will not self impose a platform of uniform standards and policies, then Congress should impose limitations on transmission of wagering signals until the industry complies. The platform of reforms should not be limited to The Jockey Club's ideas or standards, as there are many other segments of the industry that are and should provide input into necessary reforms. I would also encourage Congress to hold out a carrot to the industry in terms of the creation of economic benefits, including but not limited to tax credits, investment tax credits, and funding for increased medication testing and research as part of any reform efforts.

Question #2

In general, how can Congress help or encourage the formation of a central regulatory body on horse racing?

Answer to Question #2:

I believe Congress has already been very helpful in spurring on a platform of change. More states are moving forward to eliminate Anabolic Steroids, and a host of other necessary reforms. However, it is very clear to me, both as a State regulator and Board Member of Racing Commissioners International, that without a National Racing Commission or Commissioner, real uniform national policies will be very difficult to

achieve. The industry is disjointed and there are too many states with different rules and laws that will inhibit the ability to create uniformity on many issues. Notwithstanding, it is critical that integrity, medication, and a variety of other issues be addressed by a national body which should be created. Again, the leverage that Congress can provide is either economic relief or incentives to create such a body, or restriction on the transmission of signals across state lines. I do not believe the industry needs more governmental regulations, but it does need to be pushed into self regulation and adoption of uniform policies.

Question #3

Back in May of 2003, trainer Arthur Ortiz was sanctioned for methamphetamine in a horse. He received only a \$1,000 fine for this violation. Other trainers have been found to have given cocaine to horses, but faced minimal penalties. Why is this? Why shouldn't a trainer that gives methamphetamine or cocaine to a horse be banned from horse racing forever?

Answer to Question #3:

Any trainer (or person) that willingly and knowingly administered any illegal drug to horses should be banned. The problem is that it is difficult to prove that any party knowingly and willfully did so. All licensees are afforded due process, and only when and if they are proven to have acted in such a manner should they be banned from the sport. There should be uniform penalties in the sport, and this can only occur if there is a National Racing Commission or League.

Question #4

California trainer Doug O'Neill was recently sanctioned for high elevation levels of bicarbonate in one of his horses – this usually means the horse was “milkshaked” before the race. Given that milkshaking is a blatant form of cheating and requires the trainer to hose feed into the horse's stomach a concoction of sodium bicarbonate, sugar and water, why should trainers like Mr. O'Neill and Jeff Mullins be severely penalized with suspensions and/or fines?

Answer to Question #4:

Horses can be administered what is commonly called “milkshakes” without hose feeding or tubing and to date there is no evidence to suggest or prove that either Doug O'Neill or Jeff Mullins administered milkshakes in the manner described. However, any person guilty of administration of drugs that exceeds permitted thresholds is subject to sanctions, which may include fines or suspensions. I fully favor that stiffer penalties be adopted, which in California has been done. Again, it is important to understand that due process allows trainers to defend themselves in complaints brought against them, and in many cases the sanction or penalty that is ultimately assessed is from an Administrative Law Judge, not the Horse Racing Board. Fines and or suspensions are appropriate penalties, but they should be stiffer and uniform throughout the Country.

Should you or any of the Committee Members have additional questions, I stand ready to address them.

Sincerely,

Richard B. Shapiro
Chairman
California Horse Racing Board

August 22, 2008

Hon. John D. Dingell
Chairman
Committee on Energy and Commerce
U. S. House of Representatives
Washington, D.C. 20515-6115

Dear Congressman Dingell:

In response to your letter dated August 8, herein are my responses to additional questions submitted by the Hon. Bobby L. Rush, Chairman, Subcommittee on Commerce, Trade and Consumer Protection:

1. In your written testimony, you talk about the need to have secure testing. Do other trainers try and tamper with samples?
 - a) In my testimony I said that 1/8 of 1% of all simulcast money be dedicated to establish three (3) testing labs in the U.S. with the most sophisticated tests and equipment available at the time. It would be a trainer's responsibility to watch the samples of blood and urine being taken from each tested horse. One half of the sample would be stored via quick freeze and the other one half sent to the lab for testing. If a test is positive, the stored sample should be sent to a lab for testing with the shipment supervised by a lab technician and the trainer. The 3 labs should be located in the West, in the Midwest and in the East. If the second test is positive, the penalties should be stiff.
 - b) I do not feel that there is any tampering with the samples, but I do know that a large percentage of trainers use any and all medications that they feel will get by present testing procedures. I don't feel that there should be any threshold levels on any medication that only entices people to try to get around the medication rules. This would return the integrity of this great sport and would return the confidence of the people to come back to enjoy the beauty of this sport.
2. How much "milkshaking" goes on in horse racing? Do you think detention barns work?
 - a) From my observation of people "milkshaking", I do not think the original type was of any help to a horse's performance. However, with

Hon. John D. Dingell
August 21, 2008
Page 2

the new drugs that are presently being added to "milkshakes" I feel that the "milkshakes" are used to mask the presence of performance enhancing drugs.

- b) My opinion is that the only way to stop the cheating is through sophisticated testing of samples. The detention barn has not been a deterrent to stopping the use of illegal medications. The way to force states to abide by any new regulations and rules and use these designated labs is to mandate and control no medications rules through withdrawal of simulcasting rights to non-abiding states or tracks.

Sincerely,

Jack Van Berg

Cc: The Hon. Joe Barton, Ranking Member
Committee on Energy and Commerce

The Hon. Bobby L. Rush, Chairman
Subcommittee on Commerce, Trade and Consumer Protection

The Hon. Ed Whitfield, Ranking Member
Subcommittee on Commerce, Trade and Consumer Protection

ARTHUR HANCOCK, RESPONSES TO QUESTIONS FROM HON. BOBBY L. RUSH

1. You are vocal in support of a central league to govern horse racing. How does Congress help get the sport there?

I can only tell you that this industry is in big trouble and that our only hope for survival is for us to have a central league. There are 38 racing jurisdictions and there is only one way for us to establish this league, and that is through Congress. We cannot operate like Nascar, because racing is governed by the state in which it takes place, and every state has its own rules and regulations. Also, our industry organizations have absolutely no control over these states and their racing rules. Therefore, we are a rudderless ship, and we need help. We need Congress to fix the rudder and only you all know how to do that. I can only suggest that you re-open the Horse Racing Act of 1978 and eliminate trainers from the language. Owners must have the right to dictate their own destiny. They are the ones who make it all happen and who take all the risks. Also, Congress can issue "guidelines for excellence" that must be adhered to by the respective states. We don't need to re-invent the wheel, just do what the rest of the world does regarding rules, regulations, and medication policies. This can be simply done if Congress so chooses, I believe, by re-visiting and changing for the better the Horse Racing Act of 1978. The word "horsemen", which is defined as owners and trainers, needs to be changed to "race-horse owners". This will give the owners the right to run their own business and it will permit us to establish a central league to govern horse racing.

2. You're a 4th generation horseman. Can you talk about how the Thoroughbred breed has changed over the years?

The Thoroughbred breed has become weaker over the years. Horses make nearly 50% fewer starts than they did 50 years ago and one of the main reasons for this is the permissive medication policy in America. It permits horses to run big races who normally couldn't win a moderate race, and these chemical horses go to the breeding shed. The results are clear. It's disgraceful to our industry and it is a national disgrace as well.

3. You're famous for owning the late SUNDAY SILENCE, one of the all-time great racehorses. You sold him to Japanese interests, and he single handedly put Japanese breeding on the map as a great sire, and his pedigree was much different from the current bloodlines that are so popular in today's commercial breeding circles. Looking back, what are your thoughts on SUNDAY SILENCE as a sire and what he could have contributed to American breeding?

SUNDAY SILENCE was a world class sire and would have greatly contributed to American breeding. It is sad that American breeders did not realize this, as the Japanese did. One of the reasons for this is that the same clique that has brought racing to the state it is in today, spread the word that SUNDAY SILENCE was merely a freak race horse and that he would not make a good stallion. Consequently, people shied away from taking shares in him which was a tragedy. He was a complete outcross and would have done us proud. These are the same people who long to preserve the status quo because they want no interference with their respective domains of self-perceived power.

Lawrence R. Soma, V.M.D., DACVA
 University of Pennsylvania, School of Veterinary Medicine,
 New Bolton Center Campus, Kennett Square, PA

August 14, 2008

The Honorable John Dingell, Chairman Committee on Energy and Commerce
 2125 Rayburn House Office Building
 Washington, DC 20515-6115

Attn: Ms. Valerie Baron

Dear Chairman Dingell:

Below are responses to a number of questions pose by your committee.

1. Do you believe anabolic steroids should be completely banned except for varied narrow therapeutic circumstances?

The administration of anabolic and androgenic steroids (See appendix I, Comments on Anabolic Steroids) should be completely banned from racing in the United States. The state of Pennsylvania began the regulation of anabolic steroids on April 1, 2008 and is currently in the fifth month of a transition period which will end September 30th, 2008. During this transition period, penalties are based on the plasma concentration of anabolic steroids. (See Pennsylvania Harness and Horse Racing Commissions Website) As of August, the state of Pennsylvania is racing anabolic steroid free.

Anabolic steroids can be allowed for therapeutic purposes only, based on the recommendation of the attending veterinarian. Under these circumstances anabolic steroids can be used for therapeutic purposes but the horse should not be allowed to race until the concentration of anabolic steroid in plasma is below the level of confirmation. Currently the anabolic steroid, boldenone (Winstrol™) is the only commercially available anabolic steroid and would be the anabolic steroid of choice which can be used for therapeutic purposes when appropriate.

2. Do you believe Lasix™ should be banned?

I strongly agree that Lasix™ should be banned from Racing in the US. For the following empirical reasons: There is considerable information published in peer reviewed scientific journals that the medication Lasix™ administered on race day does improve performance in a very substantial number of horses and does not stop hemorrhage (bleeding). The industry invests millions of dollars a year to detect drugs that might improve performance and give an advantage to a horse, in an effort to insure the betting public of a level playing field in racing; yet it allows a drug on race day that has been shown to improve performance (see appendix II comments on Lasix™).

3. Do you believe that the analgesic medications such as phenylbutazone (bute) should be banned or superiorly restricted?

Phenylbutazone (bute) is a non-steroidal anti-inflammatory drug (NSAID) and has some analgesic properties by reducing inflammation. The current regulations allow

5mcg/ml in plasma on race day and this should not be changed. The State of Pennsylvania allows the plasma concentration of only one non-steroidal anti-inflammatory agent, and that is phenylbutazone at 5mcg/ml or flunixin at 10 ng/ml of plasma. Under the current rules, only one of these medications is allowed on race day. Other medications are allowed during training and for therapeutic purposes only, but the horse must not have any detectable concentration in plasma at the time the horse is participating in an official race sanctioned by the Pennsylvania State Racing Commissions.

4. Do you believe Thoroughbreds are becoming more fragile?

This is not my area of expertise and I cannot comment.

5. Are breakdowns more frequent?

This involves the analysis of comprehensive data base compiled through a number of years from the multiple tracks throughout the US. I'm not sure the data are currently available to adequately and statistically address this question. Catastrophic injury data from one track in the State of Pennsylvania compiled over the last 13 years, was 2.4 injuries per 1000 starts; with variations from year to year but no trends. This number of catastrophic injuries follows the national reported rate and may reflect what occurs at many tracks throughout the US; fluctuations from year to year but no trends.

6. Are pain medications overused in race horses?

This is a difficult question to answer. The use of various pain medications, non-steroidal anti-inflammatory drugs, corticosteroids, and opioid-analgesics to treat pain are beneficial and aid healing when used therapeutically and should be used to relieve pain and inflammation in an injured horse. The humane aspect of good veterinary practice and regulatory policies must be encouraged for the welfare of the horse. However, when the horse is treated with these analgesic agents for therapeutic purposes, the trainer and/or owner must not enter the horse in competition until the drug has completely cleared the horse's system.

7. What effects do cortisone shots in the horse's joints have on his or her ability to run?

Cortisone injection into the joint will reduce pain and swelling and can be beneficial in treatment of arthritic joints. If abused it might allow a horse that would ordinarily not be able to race to compete in a race and that type of practice does not protect the welfare of the horse and the safety of other participants in the race in which the cortisone-treated horse is competing.

Horses that are treated should not be allowed to race within 5 to 6 days of the treatment.

8. Your state of Pennsylvania recently allowed horse slot machines at race tracks in order to stabilize the horse racing industry. Is that money being used to help care and maintain the horses?

No funds (\$0.00) from the slot machines are used to aid the health, safety and welfare of the equine in the State of Pennsylvania.

Appendix I**Regulation of Anabolic Steroids and Androgenic Steroids in Racing Horses
in the State of Pennsylvania****Introduction and Background**

Anabolic steroids are synthetic derivatives of the male hormone, testosterone, that have been modified for promoting protein synthesis, muscle growth, alter fat/muscle ratio and increase red blood cell numbers¹. These agents can exert strong effects on the body that may be beneficial for athletic performance². Androgenic steroids, on the other hand, are naturally occurring steroids, such as testosterone and nandrolone, that are produced by the non-castrated male horse (stallions) and estrogen by the female horse. Published information is available on human subjects that suggest improvement in the strength skills following the administration of anabolic steroids^{3,7}. The lack of well structured double-blind studies have led some to conclude that anabolic steroids do not increase muscle size or strength in males with normal hormonal function and have discounted positive results as unduly influenced by biased expectations of athletes, inferior experimental design, poor data analysis, or at best, inconclusive results^{4,8,9}. On the other hand, the perception of the public and anecdotal information on dramatic changes in athletic performance have led the public to view the administration of anabolic steroids as cheating and enhancing performance beyond the athletes' natural ability. This perception is in all sports, including horse racing, and the administration of anabolic steroids to some horses violates the concept of a level playing field and risks the health and welfare of the horse.

Effects of Anabolic Steroids

Anabolic steroids have been extensively employed in equine racing over the past 25 years. Many practicing veterinarians attest to the gains in physical strength, stamina, and mental attitude when anabolic steroids are used in performance horses that have gone off-feed, and have a "stale" or "sour" attitude. This may be a substitute for more comprehensive veterinary care. Many may feel that the horse may be at a competitive disadvantage and thus, are administered steroids because others in racing do so. The improvement in athletic performance may be the result of change in behavior and aggressiveness more so than any specific effects on the physiological parameters that affect performance. Behavioral effects following the administration of anabolic and androgenic steroids have been supported by a number of studies. In female horses, the injection of the male hormone, testosterone, eventually caused total suppression of all reproductive activity and the development of stallion-like behavior and aggression¹⁰. Following the administration of anabolic steroids to geldings and mares, components of stallion behavior have been described, characterized by teasing, mounting and aggressive behavior toward other horses¹¹⁻¹³. The administration of testosterone to the gelded horse will dramatically alter its behavior. Current veterinary pharmacology text books do not discuss anabolic steroids from a therapeutic point of view, but only from the legal control aspects¹⁴.

Studies Conducted on Anabolic Steroids in the Commonwealth of Pennsylvania

The impetus for the study of anabolic and androgenic steroids in racing horse in the Commonwealth of Pennsylvania was the common knowledge of their use and the observations by the Commission Veterinarians of pre-race aggressive behavioral problems in many horses coming to the paddock. Analytical methods were developed for the detection, quantification and confirmation of anabolic and androgenic steroids in plasma, and the methods was published in 2005 and 2006^{15,16}. Results from the analysis of plasma samples from winning horses in 2003 confirmed the extensive use of anabolic and androgenic steroids in that better than 60% of the horses racing in PA at that time were competing with a plasma concentration of an anabolic steroid and, in some cases, more than one steroid. The 3 most commonly found steroids in that study were boldenone, stanozolol, and testosterone. Studies were also conducted on the pharmacokinetics (elimination from the body) of 2 of the most commonly used anabolic steroids boldenone and stanozolol¹⁷.

To date, the United States and Canada appear to be the only countries with horse racing that historically have not sanctioned the presence of anabolic steroids in racehorses during competition, compared to European and Asian counterparts that monitor and issue stiff penalties for the use of anabolic steroids in equine athletes. Anabolic steroids were added to the list of controlled substances in 1991 under the Anabolic Steroids Control Act. Certain veterinary products fall under this act and have been reclassified as Schedule III drugs by the Drug Enforcement Agency (DEA). The drugs under the DEA Schedule III include boldenone, mibolerone, stanozolol, testosterone, and trenbolone and their esters and isomers¹⁴. Despite these restrictions, anabolic steroids are easily obtained through internet and other clandestine sources. The stigma and penalties imposed on human athletes who have used or have apparently used anabolic steroids and related compounds are now cascading into the racing industry in the USA and today there is a higher level of awareness of the use of these drugs in the racing industry.

Regulation of Anabolic Steroids in the Commonwealth of Pennsylvania

The Commonwealth of Pennsylvania started regulating the use of anabolic and androgenic steroids on April 1, 2008. Prior to April 1, Pennsylvania horsemen and those in the surrounding states who were likely to race their horse in Pennsylvania were notified of the new policy as early as October of 2007.

The Commonwealth of Pennsylvania is regulating the use of anabolic and androgenic steroids by analyzing plasma samples obtained from equine athletes post competition. Plasma samples were chosen over urine because the pharmacological action of any drug is generally based on plasma concentration of the parent or active metabolite of the compound and not its concentration in urine. Thus, to determine if the drug had any pharmacological effect as to influence the performance of the horse at the time the horse was competing, the right place to look for the presence of the drug or in this case, anabolic steroid, is in blood/plasma. Furthermore, the complex excretion pattern of anabolic and androgenic steroids makes urine a more difficult and less meaningful medium to use in regulating the use of any drug. The use of plasma in screening for the presence of anabolic steroids allows its quantification. The use of plasma allows pharmacokinetics studies to be performed which can suggest some guidelines for veterinarians and horsemen, as the time periods for the steroids to be cleared from plasma.

Transition period

Anabolic and androgenic steroids are eliminated from the body very slowly. As the result of this problem, the Pennsylvania Racing Commissions in concert with the various Horsemen's

Associations agreed on a transition period using the plasma concentrations of anabolic and androgenic steroids as guideposts (see *Steroid Policy: Pennsylvania Department of Agriculture, Commissions and Councils, Horse Racing Commission for March 24, 2008, announced a policy for the use of steroids in Thoroughbred racing*). The transition period would allow the horses to compete during this period as the blood (plasma) concentrations of previously administered anabolic steroid(s) progressively decreased below the level of quantification and confirmation. As part of this transition period, pre-race sampling of anabolic and androgenic steroids was offered to those horsemen who were concerned that the concentration of a previously administered steroid in the horse was above a concentration that would trigger a violation. During the month of May of 2008, there has been a progressive reduction in the number of horses with a quantifiable plasma concentration of steroids and as of June 10, 2008 most of the samples are free of quantifiable plasma concentrations of anabolic steroids. By “free of”, is meant undetected at the level of picograms – trillionths of a gram – per milliliter of plasma.

Intact Male Horses (Stallions).

The androgenic steroids, testosterone and nandrolone, are naturally produced in measurable concentrations in the intact male horse; therefore, the proposed regulation requires that a tolerance threshold be suggested for the intact male horse above which concentration during competition would suggest that commercially purchased testosterone or nandrolone had been administered. To accomplish this, studies sponsored by the Pennsylvania Horse and Harness Racing Commissions are in progress.

Nandrolone, naturally present in the intact male horse was not detected in non-race track geldings or mares, and therefore, its presence in racing geldings or mares was due to exogenous administration. Both genders have low plasma concentrations of the opposite male or female hormone. Low plasma concentrations of testosterone can be detected in some female horses. These drugs, if detected, are usually at plasma concentrations below the level of quantification and so are considered inconsequential; similarly low concentrations of estrogen can be found in the male.

Selected References for Anabolic Steroids

1. Mottram DR, George AJ. Anabolic steroids. *Best Practice & Research Clinical Endocrinology & Metabolism* 2000;14:55-69.
2. Hartgens F, Kuipers H. Effects of androgenic-anabolic steroids in athletes. *Sports Medicine* 2004;34:513-554.
3. Alen M, Hakkinen K, Komi PV. Changes in neuromuscular performance and muscle fiber characteristics of elite power athletes self-administering androgenic and anabolic steroids. *Acta Physiologica Scandinavica* 1984;122:535-544.
4. Elashoff JD, Jacknow AD, Shain SG, et al. Effects of anabolic-androgenic steroids on muscular strength.[see comment]. *Annals of Internal Medicine* 1991;115:387-393.
5. Gonzalez B, Hernando R, Manso R. Anabolic steroid and gender-dependent modulation of cytosolic HSP70s in fast- and slow-twitch skeletal muscle. *Journal of Steroid Biochemistry & Molecular Biology* 2000;74:63-71.
6. Freed DL, Banks AJ, Longson D, et al. Anabolic steroids in athletics: crossover double-blind trial on weightlifters. *British Medical Journal* 1975;2:471-473.
7. Kadi F, Eriksson A, Holmner S, et al. Effects of anabolic steroids on the muscle cells of strength-trained athletes. *Medicine & Science in Sports & Exercise* 1999;31:1528-1534.

8. Kuhn CM. Anabolic steroids. *Recent Progress in Hormone Research* 2002;57:411-434.
9. VanHelder WP, Kofman E, Tremblay MS. Anabolic steroids in sport. *Canadian Journal of Sport Sciences* 1991;16:248-257.
10. Turner JE, Irvine CH. Effect of prolonged administration of anabolic and androgenic steroids on reproductive function in the mare. *Journal of Reproduction & Fertility* 1982;32:213-218.
11. Snow DH, Munro CD, Nimmo MA. Effects of nandrolone phenylpropionate in the horse: (1) resting animal. *Equine Veterinary Journal* 1982;14:219-223.
12. McDonnell SM, Garcia MC, Blanchard TL, et al. Evaluation of androgenized mares as an estrus detection aid. *Theriogenology* 1986;26:261-266.
13. McDonnell SM, Hinrichs K, Cooper WL, et al. Use of an androgenized mare as an aid in detection of estrus in mares. *Theriogenology* 1988;30:547-553.
14. Sundlof SF. Legal control of veterinary drugs. *Adams HR (ed): Veterinary pharmacology therapeutics 8th ed Ames, Iowa: Iowa State University Press* 2001:1155.
15. Guan F, Soma LR, Luo Y, et al. Collision-induced dissociation pathways of anabolic steroids by electrospray ionization tandem mass spectrometry. *Journal of the American Society for Mass Spectrometry* 2006;17:477-489.
16. Guan F, Uboh CE, Soma LR, et al. Detection, quantification and confirmation of anabolic steroids in equine plasma by liquid chromatography integrated with tandem mass spectrometry *Journal of Chromatography B* 2005;829:56-68.
17. Soma LR, Uboh CE, Guan F, et al. Pharmacokinetics of Boldenone and Stanozolol and the Results of Quantification of Anabolic and Androgenic Steroids and in Race Horses and Non-Race Horses. *J Vet Pharmacol Therap* 2007;30:1-8.

Appendix II**Background Information on Exercise-Induced Pulmonary Hemorrhage (EIPH, Bleeding) and Furosemide (Lasix™, Salix™).****Introduction**

Small amounts of blood in the nose of the horse following vigorous exercise have been noted for many years. Initially, the origin of the bleeding was thought to be from the head or nasal cavity, or basically a bloody nose. When this was observed, the horse was commonly referred to as a “bleeder”. It was Cook in 1974 that suggested that the source of blood in the nose of a horse following vigorous exercise was from the trachea and lungs ¹. With the development of a fiberoptic endoscope long enough to examine the deeper portions of the horse trachea (windpipe) and lungs, Pascoe in 1981 confirmed the source of the hemorrhage as the lungs and termed the condition as Exercise-induced Pulmonary Hemorrhage ². Exercise-induced pulmonary hemorrhage (EIPH) or “bleeding” has been observed in Thoroughbred, Standardbred, Quarter Horses, and in all competing horses. Until recently many were convinced that the Thoroughbred horse bled more frequently than the Standardbred horse. However, the result of a recent study showed that the incidence is virtually identical between these 2 breeds of horses ³. The hemorrhage was related to the intensity of exercise and not the duration and is a condition that is prevalent in all horses worldwide ⁴. A relationship between severity of bleeding and racing success has not been established ^{2,4,5}. This is counter-intuitive to the assumption that if a horse bleeds its performance will be impacted; on the contrary horses that bleed still win big races.

Diagnosis of EIPH

There are a number of ways in which EIPH can be diagnosed. Occasionally horses will show evidence of bleeding by a small quantities of blood appearing at the nostrils following or up to 1 to 2 hours after the race. Most often the horse will swallow the small amount of blood and the diagnosis is made by endoscopic examination of the lung 1 to 2 hours after the race by looking for blood in the trachea or a tracheal wash to examine the number of red blood cells.

Mechanism of Exercise-Induced Pulmonary Hemorrhage (EIPH).

The mechanism of EIPH in the horse was suggested by West in 1993 as “stress related failure of pulmonary capillaries”, which means that the smaller vessels (capillaries) in the lung can rupture when exposed to high blood and lung pressures ⁶⁻⁹. This concept was confirmed in the horse when it was shown that very high pressure could produce rupture of small capillaries in the lungs leading to hemorrhage ¹⁰. Following this break in the integrity of the small and very thin pulmonary capillaries, some red blood cells would become trapped within interstitium of the lungs and some will leak into the air sacs (alveoli) of the lungs. Red blood cells in the air spaces of the lungs will work their way upwards into the trachea and be eventually cleared from the lungs and airways by the ciliary escalator. The cells that appear in the airways and the trachea from are used as markers to confirm that the horse had bled.

Pressures of over 100 mmHg in the lungs arteries are realistic in the exercising horses especially when rapid swings in breathing pressures are also taken into account ^{9,11-13}. Compared to other species, including man, the horse has high lung arterial pressures during exercise. When lung arterial pressure exceeded 90 mmHg there was an increase in red blood cell counts from

materials washed from the trachea indicating pulmonary hemorrhage had occurred. These pressures within the lungs can be achieved at treadmill speeds of 33 mi/h. Most horses exceed these speeds during a race. It is speculated that the arterial pressures may be higher in the horse competing on a track surface with a rider on its back.

Furosemide and the Reduction of Pressures in the Lung

Furosemide is used as a pre-race medication with the expectation of reducing arterial lung pressures, thereby reducing or eliminating EIPH. The reductions in pulmonary pressures produced by the administration of furosemide have been reported to be in the range of ~10 to 15 mmHg¹⁴⁻¹⁷. With estimated transmural pressures of over 100 mmHg created during exercise in horse, the pressure changes produced by the administration of furosemide are not of sufficient magnitude to reduce pressure within the capillaries to a level where hemorrhage resulting from rupture of the capillaries would be prevented. From a physiological prospective, the reduction of pressure produced by the administration of furosemide is not of sufficient magnitude to prevent or markedly reduce EIPH.

Effect of Furosemide on EIPH

Furosemide has been used empirically and has been approved for many years by the racing industry for the control of exercise-induced pulmonary hemorrhage (EIPH) or "bleeding" in racehorses. Its use in horses for this purpose has been controversial and has been criticized by organizations outside and inside of the racing industry. Despite the use of furosemide, horses continue to present blood in the trachea after exercise. No studies have shown a complete absence of blood from the trachea, in horses diagnosed with EIPH post-race or exercise, as a result of furosemide administration^{3,17-22}. One study did, however, report that 64% of Thoroughbred horses administered furosemide before exercise had a decrease in blood in the trachea, although the report has not been verified by others investigators²³. The majority of reports indicate that furosemide does not prevent EIPH in horses.

Furosemide and Performance

Literature available on this subject suggests that furosemide has the potential of increasing performance in horses without significantly changing the bleeding status. In a race track study conducted on Thoroughbred horses, there was an improvement in racing times in many horses after the administration of furosemide with similar observation in Standardbred horses^{24,25}. One study examined the records of 22,589 Thoroughbred horses racing in US and Canada with and without the pre-race administration of furosemide. The conclusion of this study was similar to those of less extensive studies; horses that were administered furosemide raced faster, earned more money, and were more likely to win or finish in the top 3 positions than horses that did not²⁶. A study which examined the effects of furosemide on the racing times of horses without EIPH under racing conditions showed an increase in racing times in many of the horse. The difficulty in the conduction of this study was based on the fact that it is difficult to find a population of horses that do not bleed following exercise, but the overall conclusions were similar to those of other studies²⁰.

Results from very elegant treadmill studies indicated that the increase in speed was due to significant weight loss produced by the administration of furosemide and not by any specific stimulatory or direct ergogenic effects on the horse. Based on the reduction in weight, the accumulated oxygen deficit was less during the 2-minute run as was the production of lactates. Thus, the sudden weight loss due to water loss (diuresis) induced by furosemide allowed the

horse to run faster. This effect was reversed by the addition of an average of 16.1 kg of added weight to the horse which was the estimated weight loss due to the diuresis produced by furosemide administration 4 hour before exercise^{27,28}. Others have also concluded that the reason for the increase in speed of the horse was the loss of weight due to the loss of body fluids produced by the administration of furosemide²⁹. Replacing this weight loss negates the effect of its administration.

Administration of Furosemide (Lasix™) and Detection of Drugs in Urine.

Furosemide (Lasix™, Salix™) is a rapidly acting diuretic³⁰ and its intravenous administration results in a number of changes. The most visual effect is the increase in urine volume. This increase in the production of urine which starts in about 10 minutes following intravenous administration produced a decrease in urine specific gravity; this results in reduction of the kidneys ability to concentrate drugs in urine. The main concern with the administration of furosemide is the reduction in post-race specific gravity produced by the extensive urination, and the possible influence that this dilution might have on the detection of therapeutic medications and drugs in urine³¹⁻³⁶. It is important that a sufficient period of time be allowed for the specific gravity of urine to return to normal, and that the dose of furosemide administered pre-race is compatible with this concern.

Most equine analytical chemists use the specific gravity of 1.010 as a cut-off point below which the detection of drugs in urine may be compromised. In most racing jurisdictions a 3½ to 4-hour rule exists for the race-day administration of furosemide, with dose of 100 to 500 milligrams allowed by intravenous administration.

Methods of detection have improved since these studies were conducted and more sensitive methods are currently being used by most laboratories which reduce the impact of dilute urine on the detection of drugs, but it does not eliminate the impact of very dilute urine on drug detection. The use of plasma is becoming more prevalent in the detection of drugs and furosemide administration has little effect on the plasma concentration of drugs.

Selected References for Exercise-Induced Pulmonary Hemorrhage (EIPH) and Lasix™

1. Cook WR. Epistaxis in the racehorse. *Equine Veterinary Journal* 1974;6:45-58.
2. Pascoe JR, Ferraro GL, Cannon JH, et al. Exercise-induced pulmonary hemorrhage in racing thoroughbreds: a preliminary study. *American Journal of Veterinary Research* 1981;42:703-707.
3. Birks EK, Shuler KM, Soma LR, et al. EIPH: postrace endoscopic evaluation of Standardbreds and Thoroughbreds. *Equine Veterinary Journal* 2002;Supplement.:375-378.
4. Birks EK, Durando MM, McBride S. Exercise-induced pulmonary hemorrhage. *Veterinary Clinics of North America - Equine Practice* 2003;19:87-100.
5. Sweeney CR. Exercise-induced pulmonary hemorrhage. *Veterinary Clinics of North America - Equine Practice* 1991;7:93-104.
6. Tsukimoto K, Mathieu-Costello O, Prediletto R, et al. Ultrastructural appearances of pulmonary capillaries at high transmural pressures. *Journal of Applied Physiology* 1991;71:573-582.
7. West JB, Mathieu-Costello O. Stress failure of pulmonary capillaries as a mechanism for exercise induced pulmonary haemorrhage in the horse.[see comment]. *Equine Veterinary Journal* 1994;26:441-447.

8. West JB, Mathieu-Costello O, Jones JH, et al. Stress failure of pulmonary capillaries in racehorses with exercise-induced pulmonary hemorrhage. *Journal of Applied Physiology* 1993;75:1097-1109.
9. Erickson BK, Erickson HH, Coffman JR. Pulmonary artery, aortic and oesophageal pressure changes during high intensity treadmill exercise in the horse: a possible relation to exercise-induced pulmonary haemorrhage.[see comment]. *Equine Veterinary Journal* 1990;Supplement.:47-52.
10. Birks EK, Mathieu-Costello O, Fu Z, et al. Very high pressures are required to cause stress failure of pulmonary capillaries in thoroughbred racehorses. *Journal of Applied Physiology* 1997;82:1584-1592.
11. Manohar M. Pulmonary artery wedge pressure increases with high-intensity exercise in horses. *American Journal of Veterinary Research* 1993;54:142-146.
12. Manohar M. Pulmonary vascular pressures of thoroughbreds increase rapidly and to a higher level with rapid onset of high-intensity exercise than slow onset. *Equine Veterinary Journal* 1994;26:496-499.
13. Manohar M, Hutchens E, Coney E. Pulmonary haemodynamics in the exercising horse and their relationship to exercise-induced pulmonary haemorrhage. *British Veterinary Journal* 1993;149:419-428.
14. Manohar M. Furosemide attenuates the exercise-induced increase in pulmonary artery wedge pressure in horses. *American Journal of Veterinary Research* 1993;54:952-958.
15. Manohar M, Hutchens E, Coney E. Frusemide attenuates the exercise-induced rise in pulmonary capillary blood pressure in horses. *Equine Veterinary Journal* 1994;26:51-54.
16. Olsen SC, Coyne CP, Lowe BS, et al. Influence of furosemide on hemodynamic responses during exercise in horses. *American Journal of Veterinary Research* 1992;53:742-747.
17. Erickson BK, Erickson HH, Coffman JR. Pulmonary artery and aortic pressure changes during high intensity treadmill exercise in the horse: effect of frusemide and phentolamine. *Equine Veterinary Journal* 1992;24:215-219.
18. Pascoe JR. Why does exercise induced pulmonary haemorrhage occur? *Equine Veterinary Journal* 1985;17:159-161.
19. Pascoe JR, Ferraro GL, Cannon JH, et al. Exercise-induced pulmonary hemorrhage in racing thoroughbreds: a preliminary study. *American Journal of Veterinary Research* 1981;42:703-707.
20. Sweeney CR, Soma LR, Maxson AD, et al. Effects of furosemide on the racing times of Thoroughbreds.[see comment]. *American Journal of Veterinary Research* 1990;51:772-778.
21. Sweeney CR, Soma LR. Exercise-induced pulmonary hemorrhage in thoroughbred horses: response to furosemide or hesperidin-citrus bioflavonoids. *Journal of the American Veterinary Medical Association* 1984;185:195-197.
22. Sweeney CR, Soma LR, Bucan CA, et al. Exercise-induced pulmonary hemorrhage in exercising Thoroughbreds: preliminary results with pre-exercise medication. *Cornell Veterinarian* 1984;74:263-268.
23. Pascoe JR, McCabe AE, Franti CE, et al. Efficacy of furosemide in the treatment of exercise-induced pulmonary hemorrhage in Thoroughbred racehorses. *American Journal of Veterinary Research* 1985;46:2000-2003.
24. Soma LR, Birks EK, Uboh CE, et al. The effects of frusemide on racing times of Standardbred pacers. *Equine Veterinary Journal* 2000;32:334-340.

25. Soma LR, Laster L, Oppenlander F, et al. Effects of furosemide on the racing times of horses with exercise-induced pulmonary hemorrhage. *American Journal of Veterinary Research* 1985;46:763-768.
26. Gross DK, Morley PS, Hinchcliff KW, et al. Effect of furosemide on performance of Thoroughbreds racing in the United States and Canada.[see comment]. *Journal of the American Veterinary Medical Association* 1999;215:670-675.
27. Hinchcliff KW, McKeever KH, Muir WW, 3rd, et al. Effect of furosemide and weight carriage on energetic responses of horses to incremental exertion. *American Journal of Veterinary Research* 1993;54:1500-1504.
28. Hinchcliff KW, McKeever KH, Muir WW, et al. Furosemide reduces accumulated oxygen deficit in horses during brief intense exertion. *Journal of Applied Physiology* 1996;81:1550-1554.
29. Zawadzka XA, Sides RH, Bayly WM. Is improved high speed performance following frusemide administration due to diuresis-induced weight loss or reduced severity of exercise-induced pulmonary haemorrhage? *Equine Veterinary Journal* 2006;Supplement.:291-293.
30. Kirkendall WM, Stein JH. Clinical pharmacology of furosemide and ethacrynic acid. *American Journal of Cardiology* 1968;22:162-167.
31. Stevenson AJ, Weber MP, Todi F, et al. The influence of furosemide on plasma elimination and urinary excretion of drugs in standardbred horses. *Journal of Veterinary Pharmacology & Therapeutics* 1990;13:93-104.
32. Roberts BL, Blake JW, Tobin T. Drug interactions in the horse: effect of furosemide on plasma and urinary levels of phenylbutazone. *Research Communications in Chemical Pathology & Pharmacology* 1976;15:257-265.
33. Uboh CE, Rudy JA, Soma LR, et al. Characterization of bromhexine and ambroxol in equine urine: effect of furosemide on identification and confirmation. *Journal of Pharmaceutical & Biomedical Analysis* 1991;9:33-39.
34. Miller JR, Roberts BL, Blake JW, et al. Drug interactions in the horse. III. Effects of furosemide on urinary concentrations of glucuronide metabolites of pentazocine. *Research Communications in Chemical Pathology & Pharmacology* 1977;17:447-456.
35. Tobin T, Roberts BL, Miller JR. The pharmacology of furosemide in the horse. I. Effects on the disposition of procaine, methylphenidate, pnehylbutazone, and pentazocine. *Journal of equine medicine and surgery* 1977;2:216-226.
36. Soma LR, Korber K, Anderson T, et al. Effects of furosemide on the plasma and urinary concentrations and the excretion of fentanyl: model for the study of drug interaction in the horse. *American Journal of Veterinary Research* 1984;45:1743-1749.

WAYNE MCILWRAITH, RESPONSES TO QUESTIONS FROM HON. BOBBY
L. RUSH

Do you believe anabolic steroids should be completely banned except for very narrow, therapeutic circumstances?

Yes.

Do you believe lasix should be banned?

Although lasix has been shown to reduce exercise induced pulmonary hemorrhage (EIPH), it has also been shown to be performance enhancing and in my opinion it should be banned on race day. Presently, nearly all horses race on it and we are out of step with the rest of the world.

Do you believe that analgesic medications such as bute should be banned or severely restricted?

Currently no non-steroidal inflammatory drugs (NSAIDs) are allowed to be used on race day. The current laws regarding a certain allowable level are good in my opinion.

Do you believe Thoroughbreds are becoming more fragile?

Comparative figures for the number of starts would insinuate strongly that the durability of racehorses is less. There is little specific data on fragility but this needs to be looked at.

Are breakdowns more frequent?

Data is available from the California post mortem program which would indicate that breakdowns are not becoming more frequent but we are not lowering the incidence. Recent data over the past year insinuates a decrease from 2 to 1.5 per 1000 starts with synthetic race tracks.

Do we have accurate data to make such determinations?

Yes such data was presented at the Welfare and Safety Summit in October 2006 by Dr. Stover of UC Davis (also on the panel).

Do we have the technology to prevent more breakdowns from happening? Is it feasible to detect micro-fractures before they get worse?

Yes. Nuclear scintigraphy (bone scanning) and computer tomography (CT) have the ability to detect microdamage but are not practical as screening tools. Our recent work at Colorado State University in a project in southern California and funded by the Grayson-Jockey Club Foundation showed that we can detect much of this damage with blood biomarkers and this has the potential to be a useful, practical technique for identifying the horse at risk.

Many horsemen say that horse's bones aren't as strong as they used to be or that their bodies are just too big, because of breeding and handling. What does the science say?

There is no scientific evidence at this stage to say the bones are not as strong or that bodies are just too big. Scientific evaluation of this is difficult but should be attempted in the future.

What do you recommend industry can do to help prevent catastrophic breakdowns and other injuries at racetracks?

Do the science. The principal areas where we have real possibilities are 1. Identifying prior damage that leads to catastrophic injury and early recognition of this damage by the use of micro blood biomarkers and novel imaging techniques. 2. Scientific evaluation of various racetracks rather than unrealistic expectations for synthetic tracks. Dr. Mick Peterson, from the University of Maine, has developed an objective method of assessing the tracks and this machine should be available at all racetracks. 3. Strict rules on medication, and 4. Further work on durability of race horses as has been started by the Durability Index that came out of the 2006 Racing Summit.

MARY C. SCOLLAY, RESPONSES TO QUESTIONS FROM HON. BOBBY L.
RUSH

1. Do you believe anabolic steroids should be completely banned except for very narrow, therapeutic circumstances?

Yes, this position is reflected in the language of the anabolic steroid rule currently under review by the Kentucky Horse Racing Commission. There is no legitimate indication for the administration of anabolic androgenic steroids in healthy horses in training and/or racing.

2. Do you believe lasix should be banned?

Our understanding of the effects of furosemide has evolved to include concerns about its ability to enhance performance. Until ongoing research data is analyzed

and published, I recommend taking no action to ban furosemide. I do, however, believe that the jurisdictions currently permitting a maximum dose of 500 mg (10 ml) should reduce that maximum to 250 mg (5 ml).

Currently, furosemide is the only medication that has been demonstrated to reduce the incidence and/or severity of exercise induced pulmonary hemorrhage. Recognizing that upwards of 85% of horses performing at maximal exertion will experience EIPH (and this extends beyond Thoroughbred racing to other disciplines such as barrel racing and competitive pulling events for draft horses) I believe it would be inhumane to withdraw the medication given its documented ability to prevent or mitigate the onset of the condition.

The medication is not without negative side effects including dehydration, electrolyte imbalances, and muscle cramping. If an alternative medication were determined to be as, or more effective, and without the associated adverse events, then yes, I would recommend furosemide be banned. Pending the development of such a medication, I believe that furosemide should be closely regulated, but not banned.

3. Do you believe that analgesic medications such as bute should be banned or severely restricted?

I believe that we need to understand the scope of the use of analgesic medications before we could address restricting or banning their use. There has been a tremendous focus on race day medication, but the use of medications outside of competition has not been examined. If we accept that catastrophic injuries are the cumulative result of minor repetitive injuries (some clinically apparent, others perhaps not), then do we not need to understand if the administration of analgesics outside of competition has any association with the race-related catastrophic injury?

I would strongly oppose a ban on analgesic medications; they have a significant therapeutic role when used judiciously. We need to identify the boundaries of 'judicious' use to prevent the masking (deliberate or otherwise) of conditions which may be an early warning for more severe conditions to follow.

4. Do you believe Thoroughbreds are becoming more fragile?

No, I believe we are placing increased athletic demands on them which in turn put them at increased risk of injury.

5. Are breakdowns more frequent?

We have no way of knowing. The data does not exist. There is the appearance that racing injuries are occurring more frequently, but that may be a media related phenomenon. When twelve race cards can be viewed from a single site, the likelihood of observing a horse being injured has increased by twelve fold. When the only way to see a horse race was to go to the racetrack to watch the live, on-site racing, the exposure of a racing injury was considerably reduced when compared to the current environment that includes internet, simulcasting, TVG, HRTV, etc.

Moving forward, this is one of the questions that the Equine Injury Database will be able to answer. Previous data cannot be recaptured, but questions like this one will be able to be answered-factually-as the database accumulates information over time.

6. The Jockey Club recently announced the launching of a nation-wide database that tracks Thoroughbred injuries. Are tracks required to report injuries to this database or is participation voluntary? Are injuries from training also reported?

Participation is voluntary, but the industry response has been overwhelmingly positive. This initiative alone proves that the racing industry is able to achieve consensus and speak with a unified voice. I estimate that greater than 80% of the race starts in North America in 2008 will be represented in the Equine Injury Database, and I further expect that by the end of 2009, there will be 100% participation.

The program is being expanded to include reporting of health conditions-injuries, illness, etc-outside of the scope of a race. Training injuries are now being reported in several jurisdictions as part of a pilot project.

7. Before the data present a more clear picture, what immediate recommendations do you have for the industry to help prevent catastrophic breakdowns and other injuries at racetracks?

I would urge those in authority to base decisions on fact and not speculation. There have been assertions brought forth in many forums that are easily refutable by scientific data. The issue of racing injuries has been driven by emotion. That emotion has served as a catalyst for the industry to seek change-but the change must be based on an objective, scientific foundation or we risk doing something differently, but not better.

There should be a requirement that all entered horses undergo a pre-race exam by a regulatory veterinarian. There should be follow up exams post race on any horse whose condition was questionable immediately following the running of a race. Any horse determined to be injured/unsound/ or otherwise unfit for competition

should not be permitted to enter to race until having been released by a regulatory veterinarian. A horse working in front of the regulatory veterinarian for release from the Vets' List should be in compliance with race day medication rules and be subjected to post-work testing to confirm compliance. Information collected and maintained by regulatory veterinarians with regard to the racing soundness of horses should be able to be shared between racing jurisdictions without fear of legal repercussions with respect to violation of confidentiality.

There should be penalties in place (of sufficient severity as to serve as a deterrent) for a trainer who attempts or succeeds in entering a Vet Listed horse in another jurisdiction.

There should be accountability for those trainers whose horses are disproportionately represented on the Vets' List for being unsound/injured/ or otherwise unfit to race.



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August 22, 2008

Attention Valerie Baron,

Please find attached my response to questions provided by Congressmen Whitfield and Rush in relation to the Hearing Entitled "Breeding, Drugs and Breakdowns: The State of Thoroughbred Horseracing and Welfare of the Thoroughbred"

Please feel free to contact me with any questions,

Kindest Regards,

Allie Conrad
Executive Director
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August 21, 2008

To the Honorable Bobby Rush,

In response to the questions posed regarding the Hearing entitled "Breeding, Drugs, and Breakdowns" The State of Thoroughbred Horseracing and the Welfare of the Thoroughbred", I am honored to respond to your inquiry.

Question 1: Do you believe anabolic steroids should be completely banned except for very narrow, therapeutic circumstances?

Yes. I feel that all performance-enhancing drugs and race-day medications should be banned. Thoroughbreds held together in order to run on daily medications are damaging the breed and the sport of racing.

Question 2: Do you believe Lasix should be banned?

Yes, I feel that all race-day medication should be banned. Lasix is given to prevent EIPH (Exercise Induced Pulmonary Hemorrhage) in horses who are prone to bleeding while racing. However, because this is considered a performance-enhancing drug, many horses who do not suffer from EIPH receive Lasix in order to race. I believe that eliminating these drugs it will allow the Thoroughbred racehorse to become stronger overall over time, and eliminate the need for such drugs.

Question 3: Do you believe that analgesic medications such as bute should be banned or severely restricted?

Yes. I feel that anti-inflammatory drugs should be used for the purpose for which they are intended, therapeutically. I do not believe that Thoroughbreds should receive race day Bute.

Question 4: Do you believe Thoroughbreds are becoming more fragile?

I believe that thoroughbreds are being bred for the auctions and early speed. This pattern is encouraging the breeding of less bone, less body mass, downhill conformation, conformation flaws and overall less soundness. Additionally many horses are raced for one or two years then retired to stud duty. In these cases we have no ability to predict soundness and longevity, hence amplifying the problem in the resulting offspring. This all translates into horses that are less sound.

Question 5: Are breakdowns more frequent?

This is unfortunately impossible to answer because of the lack of information across all racing jurisdictions. We have no ability to compare statistical information for several reasons, including, but not limited to the fact that the definition of "breakdown" varies track to track, and many states do not keep

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data on DNF's (Did Not Finish) and breakdowns. How does one determine breakdown rate if one state only considers horses euthanized on the track, and another includes horses euthanized within 24 hours of racing (when that euthanizing is due to a race-related injury)? There needs to be a **National** policy of breakdown reporting in order to answer this question.

Question 6: Do we have accurate data to make such determinations?

No, please see question 5.

Question 7: What formal authority does the NTRA have to implement such reforms?

NTRA does not have the formal authority to implement any national regulations as of this time and is responsible for the *marketing* of Thoroughbred racing.

Question 8: Horse racing and boxing are the only two sports without a central governing body. The Subcommittee has worked on boxing reform in the past, and the sport's problems are well known. Why shouldn't Congress be worried that horse racing has the same regulatory structure as boxing?

In my humble opinion, Congress should be worried about any group making multiple millions of dollars from taxpayers without regulation or oversight from either internal or external sources.

Sincerely,
Allie Conrad

Executive Director
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August 21, 2008

To the Honorable Ed Whitfield,

In response to the questions posed regarding the Hearing entitled "Breeding, Drugs, and Breakdowns" The State of Thoroughbred Horseracing and the Welfare of the Thoroughbred", I am honored to respond to your inquiry.

Question 1: Please explain in detail what is meant by the RMTC's "model rule on anabolic steroids"

I am unable to find any other language beyond the "banning of Anabolic Steroids" In racehorses. It does not make mention of Catabolic or Corticosteroids, which are damaging to racehorses.

Question 2: How many racing jurisdictions have fully adopted this recommendation in its entirety?

According to the RMTC (Racing Medication & Testing Consortium) website, 11 states have adopted the recommendation in its entirety.

Question 3: Would it be unreasonable for Congress to suspend the privileges of the Interstate Horseracing Act if the states do not adopt the model rule by the end of the year (a recommendation of the Thoroughbred Safety Council)?

No, it would not be unreasonable. As it stands most racing jurisdictions are on par to ban Anabolic steroid use by the close of the year.

Question 4: If that would be unreasonable, what would be an appropriate amount of time Congress should give the state racing jurisdictions to implement these recommendations before mandating its adoption?

Not Applicable.

Question 5: If states cannot or will not adopt these rules, would you support the creation of a centralized body with the authority to promulgate uniform standards and penalties?

Yes. I believe that the racing industry needs a central governing body, and should they fail to implement such an organization, Congress should suspend the Interstate Horse Racing Act.

Sincerely,
Allie Conrad

Executive Director, CANTER Mid Atlantic

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