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May 14, 2010

The Honorable Tom Udall
United States Senate
Washington, DC 20510

The Honorable Ed Whitfield
United States House of Representatives
Washington, DC 20515

Dear Senator Udall and Representative Whitfield:

As the president of The Jockey Club, I am responding to the questions posed in your April 29, 2010, letter addressed to Ogden Mills Phipps, chairman of The Jockey Club. We welcome the opportunity to respond to your Committees' inquiries and explain how The Jockey Club in particular and the industry in general have been active in the numerous changes and reforms that have been made throughout the Thoroughbred industry since 2008.

We believe the record will indicate that more progress has been made during the past two years in these areas of our sport than in any other comparable time period in history. For example, we have seen:

- Elimination of steroids from competition in 31 of 33 states conducting live pari-mutuel wagering with an additional state in process
- Establishment of a national racetrack accreditation program at 17 tracks representing 83% of stakes races in the United States
- Establishment of the Equine Injury Database, the industry's first-ever comprehensive injury database representing 86% of race days in the United States and Canada
- Establishment of the Racing Surfaces Testing Lab, which has performed composition testing and performance analysis on 25 different surfaces
- Establishment of the Drug Testing Initiative, an industry-led effort to set laboratory standards and accreditation criteria
- Creation of model legislation to introduce the Interstate Racing Regulatory Compact
- Establishment with Keeneland Association of the Jockey Health Information System, the industry's first database recording jockey health, which is used by more than 250 jockeys and represented at 47 racetracks
- Establishment of several important programs to ensure post-racing care for Thoroughbreds

- Widespread adoption of specific equipment rules to enhance safety of riders and horses
- Continued enforcement of The Jockey Club rules that deny privileges of *The American Stud Book* to anyone who commits an act of cruelty to a Thoroughbred

THE JOCKEY CLUB'S ROLE AND BACKGROUND

The Jockey Club serves as the breed registry for all Thoroughbreds in North America. In that capacity it is responsible for maintaining *The American Stud Book*, which includes all Thoroughbreds foaled in the United States, Canada and Puerto Rico as well as Thoroughbreds imported into those countries from nations that maintain similar Thoroughbred registries.

(The name The Jockey Club dates back to England in the 1750s, a time when the word “jockey” meant anything having to do with horses.)

The Jockey Club also operates a group of commercial, for-profit subsidiaries (The Jockey Club Information Systems, Inc., InCompass Solutions, Inc., and The Jockey Club Technology Services, Inc.) and a commercial partnership (Equibase Company LLC) that serve the industry. Profits from The Jockey Club's commercial companies are reinvested in the Thoroughbred industry, supporting a wide range of organizations and important initiatives. Our affiliates also include two charitable organizations (Grayson-Jockey Club Research Foundation and The Jockey Club Foundation), which fund equine research and assist needy individuals in the horseracing industry, respectively.

The creation, growth and development of these companies have affirmed The Jockey Club's position as a technology leader in the industry. Its central database platform supports new and vital initiatives, such as the Equine Injury Database and the Jockey Health Information System, which are described in detail later in this letter.

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 American Stud Book identifies horses that, by pedigree, are considered Thoroughbreds in accordance with the internationally recognized definition of a Thoroughbred.

In May 2008, the Thoroughbred Safety Committee was established as a standing committee of The Jockey Club to review equine health issues and to recommend actions based upon good science, sound thinking and solid conclusions. To date, it has issued seven recommendations, which will be described in our responses.

MEDICATION AND DRUG TESTING

Through the years, The Jockey Club has led and supported many efforts in the areas of equine medication and drug testing.

One of the most significant is the benchmark study by McKinsey & Company entitled, "Building a World-Class Drug Detection System for the Racing Industry," which was funded entirely by The Jockey Club. As discussed below, McKinsey's recommendations have provided very significant direction to our industry in its continuing efforts regarding medication and drug testing.

The Association of Racing Commissioners International adopted in whole or in part three of the primary recommendations of the study: the creation of a consistent drug classification system, the adoption of a sample collection and documentation process, and the creation of a quality assurance program. Other recommendations included the development of new tests to identify new drugs and the establishment of uniform penalties.

The Racing Medication and Testing Consortium, the leading industry advocate for medication and drug testing reform in horse racing, was created in 2001 to develop uniform rules, policies and testing standards at the national level. Governed by 25 industry stakeholder groups, the Racing Medication and Testing Consortium is funded in part by The Jockey Club and based in The Jockey Club's offices in Lexington, Kentucky.

In 2005, the Equine Drug Research Institute was formed under the umbrella of Grayson-Jockey Club Research Foundation. The guiding force behind the Equine Drug Research Institute is Dr. Don Catlin, the prominent creator of the UCLA Olympic drug testing laboratory.

The Equine Drug Research Institute develops new tests for drugs that pose significant risk of potential abuse in equine sports. Current efforts include detection of metabolites of anabolic steroids in horse hair, blood doping agents and screening tests in urine for corticosteroids. Dr. Catlin and his staff at Anti-Doping Research in Los Angeles continue their important work in this area with funding from the Thoroughbred industry.

EQUINE RESEARCH

Grayson-Jockey Club Research Foundation devotes significant monetary and non-monetary resources to wide-ranging work concerning equine health before, during and after Thoroughbreds' racing careers. The foundation is traditionally the nation's leading private source of funding for equine medical research, benefiting all breeds of horses. Since 1983, the foundation has underwritten 270 specific projects at 37 universities for \$17.1 million.

Among the many important scientific developments that have evolved from grants that were funded in whole or in part by Grayson-Jockey Club Research Foundation are the

development of a vaccine for Equine Viral Arteritis, the discovery of the cause of virus abortion, the definition of Colitis X, control of shaker foal syndrome, and the cause of Mare Reproductive Loss Syndrome.

Several studies funded by Grayson-Jockey Club Research Foundation have focused on racing-related areas including detecting oncoming bone and joint problems with the use of serum markers, incidence of non-catastrophic injuries, analysis of racetrack surfaces, and determining if pre-existing conditions point to sesamoid fracture.

More recently, research funded by Grayson-Jockey Club Research Foundation unearthed valuable information regarding risks associated with toe grabs on racehorse front shoes, the efficacy of furosemide, proper dosages of the sedative xylazine and the anesthetic effects of shock wave therapy.

Grayson-Jockey Club Research Foundation and The Jockey Club have convened two meetings of the Welfare and Safety of the Racehorse Summit (in 2006 and 2008), with a third summit scheduled for June 2010. These meetings, attended by a broad base of industry participants, have become the catalyst for many initiatives that improve the safety and integrity of the sport and the foundation for several Thoroughbred Safety Committee recommendations.

COMMITMENT TO EQUINE WELFARE

Beyond The Jockey Club's commitment to equine welfare in racing and breeding matters, The Jockey Club has supported and assisted law enforcement agencies, animal control agencies and racing regulatory authorities in matters involving animal abuse and cruelty. In an April 7, 2009, press release The Jockey Club's chairman reminded the public and industry participants of The Jockey Club's position:

"Pursuant to Section V, Rule 19A (4) of the Principal Rules and Requirements of The American Stud Book, The Jockey Club reserves the right to deny any or all of the privileges of The American Stud Book to any person or entity when there is a final determination by a court, an official tribunal or an official racing body that such person has killed, abandoned, mistreated, neglected or abused, or otherwise committed an act of cruelty to a horse."

"The Jockey Club has invoked this rule in the past and will not hesitate to do so again when appropriate. The Jockey Club maintains a long-held conviction that owners are responsible and should be held accountable for the care, well-being and humane treatment of their Thoroughbred horses."

Most recently, on February 9, 2010, The Jockey Club announced that it had acted under this rule in the case of a Florida resident convicted of cruelty concerning Thoroughbred horses, permanently depriving the offender of the right to register Thoroughbreds or submit documents to the registry.

The Jockey Club has also promoted the proper treatment and care of Thoroughbreds following their racing careers. It has established a retirement checkoff program encouraging owners and breeders to contribute to two established organizations that provide post-racing care to Thoroughbreds. Through its commercial subsidiaries, The Jockey Club has committed \$400,000 since 2009 in addition to the contributions by owners and breeders.

RESPONSES TO SPECIFIC QUESTIONS

1. How many racing jurisdictions and/or racetracks have adopted, in part or in full, the recommendations of the Thoroughbred Safety Committee listed above? Please provide a list of these racing jurisdictions and racetracks.

The Thoroughbred Safety Committee has issued seven recommendations since mid-2008. Below are synopses of each recommendation along with listings of the racing jurisdictions and racetracks that have adopted them.

A. Anabolic Steroids: *The Thoroughbred Safety Committee calls for the adoption by all North American racing authorities of the Association of Racing Commissioners International Model Rule on Androgenic Anabolic Steroids that was based on the Racing Medication and Testing Consortium recommendations, which effectively eliminate the use of all anabolic steroids in the race training and racing of Thoroughbreds.*

The following states have adopted the steroid rule: Arizona, Arkansas, California, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Virginia, Washington and Wyoming. West Virginia is in the process of adopting the rule.

B. Safety Crop: *The Thoroughbred Safety Committee calls for the adoption of the Association of Racing Commissioners International model rules on “use of the whip” to require shock-absorbing characteristics.*

The following states have adopted the safety crop rule: California, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New York, Oregon and Washington.

In addition, the following tracks have adopted the safety crop rule as a house rule: Calder, Delaware Park, Fair Grounds and Monmouth Park.

C. Toe Grabs / Shoes and Hoof Care: *The Thoroughbred Safety Committee calls for a ban on all traction devices on front shoes, other than toe grabs no greater than 4 mm in height.*

The following states have adopted the toe grab rule: Arkansas, California, Colorado, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, New Mexico, Oklahoma, Oregon, Pennsylvania, Texas and Washington.

In addition, the following tracks have adopted the toe grab rule as a house rule: Aqueduct, Belmont, Charles Town, Monmouth Park, Mountaineer, Penn National, Prairie Meadows and Saratoga.

D. Drug Testing and Laboratory Standards: *The Thoroughbred Safety Committee calls for the development of a business plan for the most efficient and cost-effective infrastructure for equine drug testing and research, including strict laboratory standards and storage of frozen samples for further analysis.*

At their September 24, 2008, board of directors meeting in Lexington, Kentucky, the Racing Medication and Testing Consortium announced a five-part Drug Testing Initiative aimed at developing laboratory and drug testing standards comparable to the World Anti-Doping Agency model. The Drug Testing Initiative is the result of The Jockey Club Thoroughbred Safety Committee's recommendation:

- Development of laboratory standards and accreditation criteria to ISO standards
- Expansion of current quality assurance and laboratory proficiency programs
- Development of a business plan for the United States drug testing infrastructure including industry-sponsored research and reference equine drug testing laboratories
- Establishment of a postdoctoral and graduate student recruitment program for drug testing research and laboratory staff development
- Review of current sample collection strategies including long-term storage of frozen samples

E. Uniform Penalties: *The Thoroughbred Safety Committee calls for the adoption and implementation by all state racing commissions of the Association of Racing Commissioners International Model Rule on Uniform Classification Guidelines and Penalties which apply to trainers, veterinarians and owners. Those guidelines and penalties are available on the Association of Racing Commissioners International website: arci.com/druglisting.pdf.*

The following states have adopted the uniform drug classification guidelines for foreign substances and recommended penalties in their regulations: Arkansas, California, Colorado, Florida, Illinois, Indiana, Kentucky, Louisiana, Nebraska, New Mexico, Oregon and Virginia.

F. Equine Injury Database: *The Thoroughbred Safety Committee calls for the adoption by the Association of Racing Commissioners International Model Rules Committee, the Association of Racing Commissioners International Board of Directors and all state and provincial racing commissions of uniform rules requiring all racing associations, training facilities and individual licensees to participate in a commission-approved injury*

reporting database; and requiring and developing standardized protocols and procedures for pre-race, post-race and post-mortem exams.

The following tracks participate in the Equine Injury Database in the United States and Canada, which is described in response to question 2: Albuquerque Downs, Aqueduct, Arapahoe Park, Arlington Park, Assiniboia Downs, Atlantic City, Bay Meadows, Belmont Park, Beulah Park, Calder, Canterbury Park, Charles Town, Churchill Downs, Colonial Downs, Crooked River Roundup, Del Mar, Delaware Park, Delta Downs, Eastern Oregon, Ellis Park, Emerald Downs, Evangeline Downs, Fair Grounds, Fair Meadows @ Tulsa, Fairmount Park, Fairplex, Ferndale, Finger Lakes, Fonner Park, Fort Erie, Fresno, Gillespie County Fair, Golden Gate Fields, Grants Pass, Gulfstream Park, Harney County, Hastings, Hawthorne, Hialeah Park, Hollywood Park, Hoosier Park, Indiana Downs, Keeneland, Kentucky Downs, Laurel, Lone Star Park, Louisiana Downs, Manor Downs, Meadowlands, Monmouth Park, Mountaineer Park, National Steeplechase Association, Northlands Park, Oak Tree, Penn National, Philadelphia Park, Pimlico, Pleasanton, Portland Meadows, Prairie Meadows, Presque Isle Downs, Remington Park, Sacramento, Sam Houston, Santa Anita, Santa Rosa, Saratoga, Solano, Stockton, Suffolk Downs, Sunland Park, SunRay Park, Tampa Bay Downs, Thistledown, Tillamook, Timonium, Turf Paradise, Turfway Park, Will Rogers Downs, Woodbine, Yavapai Downs and Zia Park.

A pre-race inspection by an association or regulatory veterinarian, typically performed several hours prior to competition, is required by the following 19 jurisdictions: Arizona, California, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Texas, Virginia and Washington.

All jurisdictions require an association or regulatory veterinarian to determine that all entered horses appear fit for racing immediately before, during and after a race.

Additionally, post-mortem examinations of horses suffering fatal injury during a race are conducted by the following 17 racetracks: Aqueduct, Arlington, Belmont Park, Calder Race Course, Churchill Downs, Del Mar, Delaware Park, Fair Grounds, Golden Gate Fields, Hollywood Park, Keeneland, Monmouth Park, Oak Tree, Santa Anita Park, Pimlico, Saratoga and Turfway Park.

G. TCO2: *The Thoroughbred Safety Committee calls for the adoption of the Racing Medication and Testing Consortium recommendations on the prohibition of the use of alkalinizing substances by the Association of Racing Commissioners International Model Rules Committee, the Association of Racing Commissioners International Board of Directors and all state racing commissions.*

The following states have adopted a rule on TCO2 testing: Arkansas, California, Delaware, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Minnesota, New Jersey, New York, Ohio, Oklahoma, Texas, Virginia, Washington and West Virginia.

In addition, the following tracks perform TCO2 testing as a house rule: Calder, Gulfstream and Tampa Bay Downs.

2. Since Congress last examined concerns with breeding practices and the use of performance-enhancing drugs and race-day medication, what has your organization – and the horse racing industry as a whole – done to improve the safety and welfare of racehorses and their jockeys?

Since June 2008, The Jockey Club and other industry organizations have undertaken the following projects to improve the safety and welfare of racehorses and their jockeys.

Equine Injury Database

Proposed at the Welfare and Safety of the Racehorse Summit in October 2006, The Jockey Club officially launched the Equine Injury Database in July 2008 following a 13-month pilot testing program during which more than 3,000 reports were received and recorded.

The Equine Injury Database is the North American Thoroughbred industry's first industry-wide injury database and is provided free of charge. The Jockey Club's role in the Equine Injury Database was to develop the software application and uniform entry reports with the development and operation funded entirely by InCompass Solutions and The Jockey Club Technology Services. Information contained within the Equine Injury Database relating to a specific racetrack or participant is the property of the respective racing associations and/or regulatory authorities.

The primary objectives of the Equine Injury Database are to gather information on the frequency, types and outcomes of racing injuries using a standard format that will generate pertinent statistical information, identify markers for horses at potentially increased risk of injury, and serve as a data resource for research directed at improving safety and preventing injuries

Eighty-one racetracks (and the National Steeplechase Association), representing 86% of the live racing days in North America, are enrolled in the Equine Injury Database program and more than 15,000 reports have been received.

Preliminary analysis of reported fatality data is being performed by Dr. Tim Parkin, a veterinarian and epidemiologist from the University of Glasgow. Dr. Parkin is scheduled to provide an update and preliminary findings at the third Welfare and Safety of the Racehorse Summit in June 2010. Dr. Parkin commented:

“Data collected from a broad cross-section of racetracks in the United States and Canada will serve as an important tool for racetracks seeking benchmarks concerning the safety of racehorses. Over time, as data continues to be added, the database should yield numerous trends and factors associated with racing injuries and lead to strategies for their prevention.”

The uniform injury report was developed by Dr. Mary Scollay and The Jockey Club in collaboration with regulatory veterinarians throughout the country to identify the frequency, type and outcome of racing injuries using a standardized format to generate valid composite statistics.

Reports are submitted by racetracks to the Equine Injury Database and they include numerous variables such as incident-related information, injury details, post-race care, outcome, and the type of equipment, including horseshoes that the horse was using at the time of injury. In addition, the Equine Injury Database collects basic information on the occurrence of a jockey injury associated with an equine injury entered into the Equine Injury Database. The Equine Injury Database enhances the reported information with race information from Equibase Company and horse and pedigree information from The Jockey Club.

jockeyclub.com/initiatives.asp

Racing Medication and Testing Consortium

The Racing Medication and Testing Consortium has convened several meetings to further improve the international harmonization of testing standards and policies. These meetings included the Equine Racing Chemists Workshop and a meeting of international experts in the fields of testing and medications. These groundbreaking meetings of regulatory authorities, racing chemists and veterinary experts promoted sharing of scientific data through dialogue and further development of standard operating procedures for uniform drug testing.

At its April 2010 board meeting, the Racing Medication and Testing Consortium recommended a reduction in threshold levels for phenylbutazone in response to concerns expressed by regulatory vets regarding the effects of non-steroidal anti-inflammatory drugs on pre-race exams; announced the creation of a Recent Rulings Database permitting access to searchable rulings and fines of individuals with medication violations; and awarded two postdoctoral fellowships to develop future chemists for the equine industry.

rmtcnet.com

Drug Testing Initiative

See 1 D.

Jockey Health Information System

Launched in November 2008, the Jockey Health Information System provides authorized medical personnel at racetracks with instant access to updated jockey medical information in the event of an on-track injury.

The Jockey Health Information System was developed by InCompass Solutions and The Jockey Club Technology Services, in collaboration with the Keeneland Association.

InCompass and The Jockey Club Technology Services have underwritten the costs of the Jockey Health Information System as a service to the industry.

jockeyclub.com/initiatives.asp

Thoroughbred Safety Committee

As indicated earlier, The Thoroughbred Safety Committee meets regularly to review equine health issues and to recommend actions based upon good science, sound thinking and solid conclusions. The Thoroughbred Safety Committee consults with a cross-section of industry representatives, including jockeys, trainers, veterinarians, chemists, pedigree experts, handicappers, owners, breeders, blacksmiths, racing commissioners, racetrack executives and geneticists. Members of the committee and staff of The Jockey Club continue to seek implementation of committee recommendations.

jockeyclub.com/tsc.asp

Grayson-Jockey Club Research Foundation

Since 2008, Grayson-Jockey Club Research Foundation grants have totaled more than \$3 million. Research topics during this period include, but are not limited to, racing surfaces, exercise-induced pulmonary hemorrhage, hoof loading, laminitis, equine pregnancy and bone regeneration.

The Grayson-Jockey Club Research Foundation provided major funding for a comprehensive scientific and medical study on furosemide (Salix) and exercise-induced pulmonary hemorrhage that was published in the *Journal of the American Veterinary Medical Association* in July 2009. The study found that furosemide significantly reduces the incidence and severity of exercise-induced pulmonary hemorrhage in horses.

grayson-jockeyclub.org

Welfare and Safety of the Racehorse Summits

The Jockey Club and Grayson-Jockey Club Research Foundation have organized and underwritten two editions of the Welfare and Safety of the Racehorse Summit, in 2006 and 2008. These Summits have brought together a wide range of industry leaders and stakeholders to evaluate equine health issues and priorities.

Many of the actions recommended and adopted during the past three years, including several recommendations of The Jockey Club's Thoroughbred Safety Committee, trace their roots to the summits. Among them are the Equine Injury Database, recommendations concerning traction devices on front shoes, and bloodline durability indices.

grayson-jockeyclub.org/summit

National Thoroughbred Racing Association

The National Thoroughbred Racing Association Safety and Integrity Alliance, which includes 55 racetracks in North America and every major national horsemen's

organization, was formed in October 2008 with the goal of establishing national uniform standards in the areas of safety and integrity.

In 2009, the National Thoroughbred Racing Association Safety and Integrity Alliance announced a racetrack accreditation program developed in large part on recommendations growing out of the 2006 and 2008 Welfare and Safety of the Racehorse Summits as well as the recommendations issued by The Jockey Club's Thoroughbred Safety Committee.

Alliance certification standards cover six broad areas: injury reporting and prevention; creating a safer racing environment; aftercare and transition of retired racehorses; uniform medication, testing and penalties; safety research; and wagering security. To date 17 racing facilities have received accreditation and 15 additional facilities are scheduled for accreditation consideration in 2010.

ntraalliance.com

Association of Racing Commissioners International

The Association of Racing Commissioners International is the national organization of racing and pari-mutuel regulators that protects and upholds the integrity of pari-mutuel sports through means that include encouraging uniform regulations through adoption of model rules and promoting the health and welfare of the industry through various programs and projects. The model rules are adopted by the association after a deliberative process that allows for public and industry comment, review by regulatory members of the association, and modifications as necessary.

The association is working with industry stakeholder groups to create a new interstate compact for racing regulation in the United States that will enable individual racing commissions to jointly promulgate and adopt common rules. It is also in the process of modifying existing rules concerning the use of non-steroidal anti-inflammatory and corticosteroid medications in racehorses to enhance the integrity of pre-race examinations.

arci.com/modelrules.html

Interstate Racing Regulatory Compact

In 2009, industry organizations representing horsemen, state regulators, trade associations, racetracks, consultants and breed registries finalized model legislation to introduce as an interstate compact. The compact provides a vehicle to promulgate uniform regulations to harmonize the rules of racing among United States racing jurisdictions. The legislation has been introduced in Colorado and New York and other states are expected to consider legislative proposals, based on their legislative schedules.

The Jockey Club remains engaged and committed to the concept of the compact, pledging resources and staff support as the initiative gains consensus and momentum.

The Racing Surfaces Testing Laboratory

The Racing Surfaces Testing Laboratory was launched during the summer of 2009 to enhance surface safety for horse and rider through scientific testing focused on the unique characteristics of horse racing surfaces.

The laboratory focuses on composition analysis and performance testing of natural and synthetic surface materials. Other services for on-site testing include the use of ground-penetrating radar and a biomechanical hoof tester. These surface analyses will help to increase track consistency and identify the track surface composition that may contribute to safety of racetrack surfaces.

The Jockey Club, together with other industry organizations, provided the initial financial resources for the laboratory. The laboratory is now fully operational, and it has performed composition testing and performance analysis on 25 different surfaces during its first six months.

InCompass Pre-Race Veterinary Exam Software

The Pre-Race Veterinary Exam software, developed by InCompass Solutions, enables examining veterinarians at racetracks to record the details of a racehorse's pre-race soundness inspection. The information can then be shared with association or regulatory veterinary personnel in other jurisdictions to provide a record of inspection history as horses move from track to track.

Racing Officials and Accreditation Program

Created by The Jockey Club in 2004 and incorporated in 2006, the Racing Officials Accreditation Program ensures the integrity and consistency of horse racing regulation by accrediting and providing continuing education for racing officials, stewards, judges and commissioners. Working with the University of Arizona Race Track Industry Program and the University of Louisville Equine Industry Program, the Racing Officials Accreditation Program provides continuing education seminars for officials on methods of dealing effectively with drug violations and assessing appropriate penalties.
horseracingofficials.com

The Jockey Club Retirement Checkoff Program

To expand awareness and encourage support of post-racing care of Thoroughbreds, The Jockey Club in January 2009 launched the retirement checkoff program, enabling owners and breeders to make voluntary contributions to two organizations that provide post-racing care for Thoroughbreds. In addition to the contributions made by owners and breeders, The Jockey Club, through its commercial subsidiaries, has committed \$400,000 since 2009 to the Thoroughbred Retirement Foundation and the Thoroughbred Charities of America.
registry.jockeyclub.com

Tattoo Identification Services

The Jockey Club implemented a free Tattoo Identification Services program in April 2009 as further support for Thoroughbred re-training and retirement groups to enhance Thoroughbred welfare. The online service was enhanced in July 2009 to provide access to The Jockey Club's markings database to enable identification of Thoroughbreds with illegible or partial tattoos. In addition, five-generation pedigrees, auction history searches, and race records are provided free of charge to facilitate research into a Thoroughbred's history.

registry.jockeyclub.com

Horse Search

Equibase Company implemented a free online horse search feature that consolidates and presents in one location the most current racing and pedigree information for individual Thoroughbreds. The service complements The Jockey Club's Tattoo Identification Services.

equibase.com

Thoroughbred Owners and Breeders Association

The American Graded Stakes Committee of the Thoroughbred Owners and Breeders Association provides owners and breeders of Thoroughbreds a reliable guide to the relative quality of Thoroughbred bloodstock by identifying those United States races that have consistently attracted the highest quality competition. In August 2008, this committee announced that states or racetracks must adopt, at a minimum, the Association of Racing Commissioners International Model Rule on Androgenic Anabolic Steroids by January 1, 2009, or the date of a state or racetrack's first graded race in 2009, whichever is later. If a state or racetrack did not adopt the model rule, their races lost their graded status and were not eligible again for grading until the rule was adopted.

toba.org

Breeders' Cup

Breeders' Cup announced a steroid ban in August 2008 to include all Class 1 and Class 2 drugs, as established by the Association of Racing Commissioners International *Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule*, for Breeders' Cup World Championships. Trainers of horses that test positive for these drugs face a suspension from the championships the following year, and trainers who violate the policy three times face a lifetime ban from participation in Thoroughbred racing's season-ending championships.

breederscup.com

Equine Sales Companies

In January 2009, the four major equine sales companies in the United States – Barretts Equine Limited, Fasig-Tipton Co., Keeneland Association Inc., and Ocala Breeders'

Sales Company – issued a set of uniform policies pertaining to medication, prohibited practices, riding crops, and horseshoes. According to a statement from the four sales companies, the policies address the use of therapeutic medications, exogenous anabolic steroids, and other prohibited practices and substances.

barretts.com, fasigtipton.com, keeneland.com, obssales.com

Racetrack Initiatives

Many racetracks have adopted standards and best practices in the areas of animal welfare, jockey safety and sporting integrity. For example, Churchill Downs, the home of the Kentucky Derby, recently announced a comprehensive “Safety From Start to Finish” program that is now in place for the 4,000 races conducted at Churchill Downs Incorporated’s racetracks. These initiatives include many of the standards and best practices recommended by the NTRA Safety and Integrity Alliance and Thoroughbred Safety Committee.

churchilldowns.com/safety

In addition, several racing associations and racetracks, including New York Racing Association, MI Developments, Penn National Gaming, Churchill Downs Incorporated, Philadelphia Park and Suffolk Downs, have announced strict policies prohibiting trainers stabled on grounds from selling horses for slaughter. Violation of the policy can lead to a trainer losing the ability to stable horses on the premises or being barred from the grounds of a racetrack.

3. How is the horse racing industry currently working to promote jockey safety and to protect riders from the danger of racing unsound horses whose problems are masked by performance enhancing drugs and/or race day medication?

As the preceding discussion shows, there are many checks and balances in the industry to protect equine welfare. In the continuing effort to identify and abolish improper drugs and medications, the Racing Medication and Testing Consortium has promoted and assisted legislative and industry efforts to eliminate androgenic anabolic steroids through passage of uniform medication rules, penalty guidelines and regulations in 31 of the 33 racing jurisdictions that permit live pari-mutuel racing.

Horse racing tests for more drugs, substances and medications at lower levels than any other professional sport. Most drug positives are not related to any effort to abuse the system, but reflect the extremely sensitive testing routinely performed on racehorses. Dr. Rick Arthur, the Equine Medical Director of the California Horse Racing Board has publicly acknowledged most drug positives, possibly as high as 90%, are simply inadvertent residues of legitimate therapeutic drugs not intended to influence the outcome of a race.

These medications are subject to strict administration guidelines to ensure that their pharmacologic effects have been minimized by race time. Medication policies and regulations are constantly under review. As a direct result of the expression of a concern

by regulatory veterinarians that phenylbutazone (a non-steroidal anti-inflammatory), may compromise the effectiveness of pre-race veterinary examinations, the Racing Medication and Testing Consortium, in April 2010, recommended a reduction of permitted threshold levels for that medication.

In addition to the Racing Medication and Testing Consortium's research efforts regarding the administration and threshold levels of medications, the Grayson-Jockey Club Research Foundation's subcommittee, Equine Drug Research Institute, has continued to fund research at Dr. Don Catlin's Anti-Doping Research lab. Dr. Catlin is best known for identifying THG in the BALCO scandal and founding the UCLA Olympic Analytical Laboratory, where he served as its director for 25 years. He still is involved in similar efforts with other competitive sports.

As part of the Drug Testing Initiative, representatives of the Racing Medication and Testing Consortium are also working closely with testing labs to achieve ISO 17025 accreditation and improve testing proficiency through an independent quality assurance program. In 2009, the Racing Medication and Testing Consortium administered a frozen sample retrospective testing program to provide racing commissions with the means to perform testing on new designer drugs. The Kenneth L. Maddy Equine Analytical Chemistry Laboratory at the University of California, Davis, is currently retroactively testing frozen samples for growth hormone under a grant from the Racing Medication and Testing Consortium and The Jockey Club.

Through these combined efforts, laboratories are continually improving their ability to detect illegal substances that can threaten the safety of horses and riders and integrity of the industry.

The NTRA Code of Standards for the accreditation of racetracks by the NTRA Safety and Integrity Alliance requires compliance with the Association of Racing Commissioners International model rules for pre-race inspections, use of the riding crop, safety helmets and vests, ambulatory support, padding within the starting enclosures and continuing education for trainers and stewards in order to obtain and maintain accredited status. All racing jurisdictions now require the use of safety vests and helmets by jockeys riding in races.

4. Are existing penalties for medication and performance-enhancing drug use adequate to prevent owners, trainers, and veterinarians from endangering horses, their riders, and the overall integrity of the sport?

The Thoroughbred racing industry in North America uses a drug classification system endorsed by the Association of Racing Commissioners International and the Racing Medication and Testing Consortium. The classifications range from Class 1 for stimulant and depressant drugs that have the highest potential to affect performance and have no generally accepted medical use in the racing horse, through Class 5, which includes therapeutic medications for which concentration limits have been established.

Drugs are further classified into a penalty category of A, B, C or D based on the drug's "appropriateness" for horses in competition. The criteria used to determine penalty designations are set out in the *Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule*. Those penalties are available on the Association of Racing Commissioners International website, arci.com/druglisting.pdf.

In our opinion, this drug classification scheme, which is based upon pharmacology, drug-use patterns and appropriateness complemented by penalty guidelines determined by frequency and substance classification, provides racing jurisdictions with a more than adequate penalty system that can be objectively administered. As is the case with any adjudicatory penalty process, racing commissioners necessarily and appropriately apply due process measures and consider aggravating and mitigating circumstances in each case.

Your letter of April 29, 2010, cited two drug violations from 2004 and 2010, involving horses trained by a leading trainer in this country and questioned the propriety of the penalties assessed. The Jockey Club was not involved in those incidents or in the process by which the penalties were considered and assessed, and we are not in a position to conclude whether those cases were appropriately adjudicated. However, public documents do set out the types and amounts of medications involved and the actual amounts of aggregate penalties assessed in those instances, which may provide your Committees with further insight into their characterization of those two situations.

5. Is there sufficient enforcement by state agencies and racing commissions to prevent the use of performance-enhancing drugs and other drug abuse in the horse racing industry?

State agencies and racing commissions collectively spend approximately \$30 million on equine drug testing each year, according to a survey conducted by the Racing Medication and Testing Consortium in 2008, which appears to far exceed the amounts spent on drug testing by any other major North American professional sport. Equine drug testing also has the most expansive testing regime, covering more substances with generally lower "positive test" thresholds, than other sports.

The breadth of testing in our industry has been established with deterrence in mind. Increased sophistication in testing now enables the industry to detect substances at the pico-gram level (one-trillionth of a gram), and the most sophisticated labs can screen for up to 800 drugs in one sample.

The winner of every race in North America is drug tested. Other horses may be selected at random for drug testing at the stewards' discretion, if the race favorite finishes out of contention or if a horse displays abnormal performance. Furthermore, five states now regularly conduct pre-race random testing and 13 states have created frozen sample programs.

Industry organizations have also taken major steps in mandating increased drug testing. The Thoroughbred Owners and Breeders Association mandates “super testing” as an additional layer of testing to detect substantially more substances than those ordinarily screened for on a daily basis.

Similarly, Breeders’ Cup, which conducts the sport’s multi-million dollar year-end championships, employs out-of-competition testing for blood-doping substances.

6. How many racing jurisdictions have adopted a transparent database setting out the number of breakdowns, jockey injuries, and the cause of the accident? Please provide a list of these jurisdictions.

See answer to question 2 regarding The Jockey Club’s role in the Equine Injury Database.

Although a jockey injury database has not yet been created, InCompass Solutions provides the Jockey Health Information System free of charge to participating racetracks to database jockey health information. This information assists emergency medical personnel in the treatment of jockeys injured during racing. The Equine Injury Database does provide for a limited number of inputs to record jockey injury incidents including location and cause of injury.

7. In 2009, how many starts were made in the U.S. alone? Out of those starts, how many thoroughbreds were either injured during the race or the race was the cause of their injury?

In 2009 there were 407,554 starts in the United States.

As reported in our press release dated March 23, 2010, which covered a period from November 1, 2008, to October 31, 2009, and accounted for 378,864 starts in Thoroughbred flat races at 73 racetracks in the United States and Canada, during that time period there were 774 fatalities, or 2.04 fatalities per 1,000 starts.

The Jockey Club continues to work closely with epidemiologists and veterinarians to build a critical mass of data that is necessary to draw statistically significant conclusions about non-fatal injuries. The range of injuries covers everything from fractures, non-fractures, soft tissue, joint, and neurologic incidents to other musculoskeletal and even non-musculoskeletal ailments such as colic.

8. What percentage of those thoroughbreds injured were 24 months or younger in age?

In 2009, there were no fatalities among Thoroughbreds 24 months or younger in age, according to data contained within the Equine Injury Database. See answer to question 7 regarding injuries.

CONCLUSION

The substantial improvement to the safety and welfare of racehorses and their riders as evidenced within this letter are clear examples of the achievements possible when like-minded industry participants collaborate to address matters of needed change.

The Jockey Club's determination to enhance the welfare and safety of horses and riders is well documented. It will continue to devote human, financial and technological resources to expedite the implementation of recommendations made by our Thoroughbred Safety Committee and others, and we will continue to enlist the collaboration of other industry organizations and leaders in that process.

In furtherance of The Jockey Club's commitment to good science, sound thinking and solid conclusions, the third Welfare and Safety of the Racehorse Summit in June 2010 will provide the forum for another productive exchange and will yield more improvements to the safety and welfare of racehorses and their riders.

Whether change comes as a result of state regulation, racetrack rules, an interstate racing compact – or other means – matters little. What matters is that change occurs.

We are pleased to provide this information on the significant progress that the industry has made and is making, and we will provide additional information or clarification if needed.

Sincerely,



James L. Gagliano
President & Chief Operating Officer