

Forum: 'Other Side' of Equine Welfare

by Tom LaMarra

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Jay Hickey recalled that in 1982, legislation to regulate parts of the horseracing industry was circulated in the halls of Congress. The bill, which had the not-so-enticing name of the “Corrupt Horseracing Practices Act,” dealt with prohibited drugs, pre-race testing, and penalties for offenders.

Hickey, president of the American Horse Council, noted the legislation went nowhere. Now, 26 years later, more racing-related legislation could be in the works after a congressional subcommittee hearing that basically slammed the industry.

“The discussion (at the June 19 congressional hearing) was not completely rational,” Hickey said. “There have been a bunch of things done that Congress may not be paying attention to. We do not want to get Congress involved in this. When you start down the road with Congress, there’s always somebody that wants to add this or that.”

Hickey was among the speakers during a July 18 equine welfare and safety forum during the National Horsemen’s Benevolent and Protective Association summer convention in Hershey, Pa. The two-hour session, horsemen noted, gave those who weren’t asked to testify before Congress a chance to offer their views on a topic now dominating the industry.

Ed Bowen, president of the Grayson-Jockey Club Research Foundation, urged the National HBPA and its affiliates to be “agents of change rather than a roadblock” to ongoing efforts to implement model rules around the country. The Grayson-Jockey Club is involved in the ongoing Welfare and Safety of the Racehorse Summits.

Ed Martin, president of the Association of Racing Commissioners International, which supplied information to the congressional subcommittee, said it was odd he wasn’t asked to testify. He suggested a conclusion was reached before the hearing, which stemmed from the high-profile breakdown of the filly Eight Belles just after the May 3 Kentucky Derby (gr. I).

“It’s amazing what has happened,” Martin said. “To listen to that hearing, you’d think the Racing Medication and Testing Consortium or the Grayson-Jockey Club process didn’t exist. We are concerned (the federal government) is going to take a situation and make it worse. There already are limited resources to fund state racing commissions—the funding crisis is a real one.”

Martin said lawmakers’ concerns can be alleviated, and uniformity of regulations achieved, in three ways: adoption of model rules, use of an interstate compact states would join, and lobbying of regulators to act quickly.

National Thoroughbred Racing Association president Alex Waldrop said the last thing the industry needs is another congressional hearing; members of Congress July 19 indicated that's a possibility. But he also said the status quo isn't an option, so the NTRA is formulating a "strategic plan" on equine welfare and safety industry stakeholders will be asked to sign.

"There have been more self-inflicted wounds in this industry in the last two months—we need more discussion like this," Waldrop said. "We don't need another hearing. There is no other side of the story in Washington, D.C."

Dr. Scot Palmer, who owns the New Jersey Equine Clinic and is a past president of the American Association of Equine Practitioners, outlined the current situation by noting catastrophic breakdowns aren't new to horse racing. He said there are so many reasons for breakdowns—racing surfaces, conditioning, year-round schedules, medication, shoes, breeding horses for speed, not to mention unknown variables--that it's a disservice to choose one and disregard other evidence.

Palmer said the manner in which 2-year-olds are prepared for auction is a problem that should be addressed by the industry. He said a horse that won't be sold gets more time to prepare for its racing career, and 2-year-olds at auction could be helped if pre-sale breezes were eliminated.

"We need a core-value system that puts the welfare and safety of the horse uppermost," Palmer said. "We need to do it in a very public way to blunt criticism. We need evidence-based information, not political decisions. We need courage to accept personal responsibility. We need to be in it for the long haul."

Palmer also suggested a strategic plan for Thoroughbred racing. "If we don't have the welfare and safety of the racehorse in our mission statement, we're SOL," he said.

Keeneland president Nick Nicholson and Andrea Caraballo of Tapeta Footings discussed synthetic surfaces and their role in equine safety. They both noted maintenance of the surfaces is extremely important, as is honest dialogue.

"We need to continue to be very honest about how a synthetic (surface) performs," Caraballo said.

"Not all synthetic tracks are created equal," Nicholson said. "The differences are very important, as is not cutting corners in construction or material. There are cheaper ways to do this, but you will pay the cost. There is no doubt these tracks require substantially less maintenance, but maintenance is no less important—it's just different."

Nicholson said Keeneland, which installed Polytrack in 2006, did so because the old dirt surface "was not up to Keeneland standards." He said there have been only five catastrophic breakdowns at Keeneland since the first Polytrack meet in the fall of 2006.

As for medication, Richard Abbott, a member of the Pennsylvania Horse Racing Commission, discussed the state's regulation of anabolic steroids. He said horsemen's groups—the Pennsylvania HBPA and Pennsylvania Thoroughbred Horsemen's Association—were reluctant to move quickly on the rules that were in place April 1.

"I had a difficult time reconciling that with what was going on in the world at large," Abbott said. "Frankly, we got very little but lip service from horsemen's organizations. Horsemen began a campaign of misinformation. I could never understand the tin ear to which they listened to the debate."

In Pennsylvania, research shows a decrease in the concentration of steroids in samples taken from Thoroughbreds and Standardbreds. "The sky didn't fall," Abbott said. "We had a few positive tests, but the majority of horses are racing without Winstrol and Equipoise and doing fine."

The comments didn't sit well with Pennsylvania horsemen. After the forum, Joe Santanna, president of the National HBPA and Pennsylvania HBPA, offered a rebuttal.

"I'm delighted we have a steroid policy in Pennsylvania," Santanna said. "From my perspective, the horsemen worked hand-in-hand with the racing commission. At the time (the regulations) were finalized, there was overwhelming agreement...And the tin ear is my right ear."

The National HBPA board of directors July 20 adopted a position paper on equine welfare and safety and endorsed creation of the National HBPA Model Rules Working Group that will gather and analyze recommendations on national model rules, collect input from horsemen, work with the RCI on model rules, help guide rules through the approval process, and support local and state regulatory efforts.

Members of the working group are Dave Basler (Ohio HBPA), Remi Bellocq (National HBPA), Mary Ann O'Connell (Washington HBPA), Marty Maline (Kentucky HBPA), Doug McSwain (National HBPA), Frank Petramalo Virginia HBPA), and Kent Stirling (Florida HBPA).

"The National HBPA board believes that the racing industry is still the best source for finding ways to improve and regulate welfare and safety in racing," the position paper states.

In an op-ed piece submitted July 14 to *The Blood-Horse* and other publications, U.S. Rep. Ed Whitfield of Kentucky said the "voices of those who testified rang loud and clear across the country." Whitfield is ranking member of the congressional subcommittee that conducted the June 19 hearing.

Whitfield said four issues were broached: horses "far too often" are given performance-enhancing drugs and pain-killers; there is lack of uniformity in drug rules and data collection; there are too many drug laboratories in the United States and inadequate funding for testing; and there is no entity with the power of enforcement.

Whitfield cited a newspaper poll that found 38% of respondents want to ban horse racing.

"I do not want to see that happen and do not believe it will," Whitfield said. "I do, however, strongly believe that Congress can help the industry solve its problems and do so without creating an expensive new federal agency. Congress can help because it can adopt minimum standards or guidelines for excellence, control, and uniformity among the 38 racing jurisdictions.

"Just as important, Congress can enforce the minimum standards through the Interstate Horseracing Act of 1978. The industry came to Congress in 1978 and asked the federal government to become involved in horse racing by adopting legislation to allow the simulcast signal across state lines without interference or obstacles. Congress obliged and did not ask anything from the industry.

"Today, simulcasting provides 85% of the revenue for horse racing, but the industry has not been able to solve the serious issues it faces. It is time for action. I propose that Congress set minimum standards in the (IHA) and require state racing authorities to adopt those standards to continue receiving the benefits of simulcasting."

Whitfield last year proposed legislation that would amend the IHA to allow for funding for health and welfare benefits for jockeys and backstretch workers.

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