

SAFETY AND MEDICATION WORKING GROUP

Wednesday, July 18, 2012
11:00 a.m.

Retama Park, Conference Room
1 Retama Parkway
Selma, TX 78154

Agenda

The Safety and Medication Working Group will meet to discuss the following items:

- I. Presentation by representatives of Racing Free on “An Approach to Drug Free Racing.”
- II. The Claiming Rules as they relate to horse and rider safety.
- III. Presentation by representatives of the Racing Medication and Testing Consortium on thresholds for therapeutic medications.
- IV. Limitations on access by veterinarians to “In Today” horses.
- V. The Thoroughbred Racing Associations’ Medication Policy Recommendations, including, but not limited to:
 - a. Requiring the independent administration of Furosemide;
 - b. Corticosteroid use and regulation;
 - c. Strict Penalties for use of compounded Clenbuteral; and
 - d. ISO17025 accreditation of drug testing laboratories.
- VI. Heat stress and protocols to address it.

The public will be given an opportunity to address the Working Group and identify any potential subjects that it would like placed on the agenda for discussion at a future committee meeting.

Agenda Item II

The Claiming Rules as they relate to
horse and rider safety.

New York State
Racing and Wagering Board

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FOR IMMEDIATE RELEASE
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**NYS RACING & WAGERING BOARD ISSUES EMERGENCY RULE VOIDING CLAIMS
FOR HORSES THAT DIE DURING RACING**

New York Task Force on Racehorse Health and Safety's work underway

The New York State Racing and Wagering Board today issued an emergency rule that voids claims in the event that a claimed horse dies during a race or is euthanized on the track following a race.

The rule is the first in a series of actions being undertaken by the Board as a result of its analysis of the 21 equine fatalities that occurred during Aqueduct's inner-track meet between November 30, 2011 and March 18, 2012.

"This rule change emphasizes the fact that claiming races cannot be dumping grounds for unsound horses," Racing and Wagering Board Chairman John D. Sabini said. "The tradition of authorizing claims even when a horse dies is no longer acceptable. The Racing and Wagering Board will continue to review the circumstances and data relating to these fatalities to determine if there should be additional actions to protect racehorses."

The amendment to rule 4038.5, which will go into effect immediately, will read in part: "a claim shall be void for any horse that dies during a race or is euthanized on the track following a race." The full rule is at the end of this release.

The Board is continuing its internal review of the circumstances regarding the rise in the number of equine fatalities at Aqueduct during its inner track meet. More actions and rule changes, including enhancements to this emergency rule, may be introduced in the near future.

Additionally, this week, the New York Task Force on Racehorse Health and Safety requested a multitude of information and data pertinent to its own investigation from the Racing and Wagering Board and The New York Racing Association, Inc. (NYRA).

FULL TEXT OF RULE

(Deletions are bracketed and new text is underlined)

4038.5. Requirements for claim; determination by stewards.

(a) All claims shall be in writing, sealed in an envelope and deposited in a locked box provided for this purpose by the racing secretary or his designee, at least 10 minutes before post time. Claim slip forms must be completely filled out and must, in the judgment of the stewards, be sufficiently accurate to identify the claim, otherwise the claim will be void. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the association, must first deposit with the association the whole amount of the claim , in a manner approved by the racing secretary or designee for which a receipt will be given. All claims shall be passed upon by the stewards, and the person determined at the closing time for claiming to have the right of claim shall become the owner of the horse when the start is effected, whether it be [alive or dead,] sound or unsound or injured before or during the race or after it, except that:

i. the claim is voidable at the discretion of the new owner pursuant to the conditions stated in section 4038.18 of this subchapter unless the age or sex of such horse has been misrepresented, and subject to the provisions of subdivision (b) of this section; and

ii. a claim shall be void for any horse that dies during a race or is euthanized on the track following a race.

In the event more than one person should enter a claim for the same horse, the disposition of the horse shall be decided by lot by the stewards. Any horse so claimed shall then be taken to the test barn for delivery to the claimant after the test sample is taken.

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State Claiming Rules-Exceptions for Fatality

California

Rule 1658: Vesting of Title to Claimed Horse

(a) Title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter; and said successful claimant becomes the owner of the horse whether it is sound or unsound, or injured during the race or after it. Only a horse which is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards or the Board shall have no effect upon the claim.

(b) The stewards shall void the claim if the horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled.

(c) The claim shall be void if the race is called off, canceled, or declared no contest in accordance with Rule 1544 of this division.

New York

4038.5. Requirements for claim; determination by stewards.

(a) All claims shall be in writing, sealed in an envelope and deposited in a locked box provided for this purpose by the racing secretary or his designee, at least 10 minutes before post time. Claim slip forms must be completely filled out and must, in the judgment of the stewards, be sufficiently accurate to identify the claim, otherwise the claim will be void. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the association, must first deposit with the association the whole amount of the claim, in a manner approved by the racing secretary or designee for which a receipt will be given. All claims shall be passed upon by the stewards, and the person determined at the closing time for claiming to have the right of claim shall become the owner of the horse when the start is effected, whether it be sound or unsound or injured before or during the race or after it, except that:

- i. the claim is voidable at the discretion of the new owner pursuant to the conditions stated in section 4038.18 of this subchapter [unless the age or sex of such horse has been misrepresented], and subject to the provisions of subdivision (b) of this section; and
- ii. a claim shall be void for any horse that dies during a race or is euthanized on the track following a race.

In the event more than one person should enter a claim for the same horse, the disposition of the horse shall be decided by lot by the stewards. Any horse so claimed shall then be taken to the test barn for delivery to the claimant after the test sample is taken.

(b) In the event a horse is claimed, and the claimant has indicated on the claiming blank an election to have a test for equine infectious anemia performed and has paid the prescribed fee therefore, a blood sample shall be taken by the board veterinarian, and the sample identified as being from a claimed horse shall be forwarded within 24 hours to an approved laboratory to be tested for equine infectious anemia. Pending the receipt of a negative test for equine infectious anemia the monies paid for the claimed horse shall be held by the track. In the event of a positive test for equine infectious anemia the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by the claimant.

State Claiming Rules-Exception for Positive Test

Delaware

13.12 Nature and Effect of a Claim:

13.12.1 Claims are irrevocable except as otherwise provided for in these Rules. Title to a claimed horse shall be vested in the successful claimant from the time the said horse is a starter and said claimant shall then become the Owner of the horse, whether it be alive or dead, sound or unsound, or injured, during the race or after it. A claimed horse shall run in the interest of and for the account of the Owner from whom claimed.

13.12.2 A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. Any claimed horse not otherwise selected for testing by the stewards shall be tested if requested by the claimant at the time the claim form is submitted in accordance with these Rules. **The successful claimant shall have the right to void the claim should the forensic analysis be positive for any prohibited substance, an illegal level of a permitted medication, or if a blood sample exhibits a positive response to the Erythropoietin (EPO) antibody test.**

Massachusetts

4.06: Claiming

(1) In claiming races any horse is subject to claim for its entered price by any owner registered in good faith for racing at the meeting or by his authorized agent. Said claim is for the account only of the owner making the claim or for whom the claim was made by the agent provided. No person shall claim his own horse or cause his horse to be claimed directly or indirectly for his own account.

4.32: Urine, Other Tests and Examinations

(27) Should the analysis of a post race blood, urine or saliva specimen taken from a claimed horse result in a post race positive test, the claimant's trainer shall be promptly notified by the Stewards and the claimant shall have the option to void said claim. An election to void a claim shall be submitted in writing to the Stewards by the claimant or his trainer.

New York

4038.19. Excess TCO2 levels

(a) Should the analysis of a post-race blood or urine sample taken from a claimed horse result in a post-race positive test, or if the test results of a previous race have not been cleared by the date of the claim and result in a post-race positive test, the claimant's trainer shall be promptly notified by the stewards and the claimant shall have the option to void said claim within five (5) days of such notice by his trainer. An election to void a claim shall be submitted in writing to the stewards by the claimant or his trainer. In the event the claim is voided, the horse shall be returned to the owner of the horse who subjected the horse to claiming in the race from which the positive test resulted.

(b) *Erythropoietin and darbepoietin.* Should the analysis of a post-race blood or urine sample taken from a claimed horse result in a finding by the laboratory that the antibody of erythropoietin or darbepoietin was present in the sample taken from that horse, the claimant's trainer shall be promptly notified in writing by the stewards and the claimant shall have the option to void said claim within five days of receipt of such notice by his trainer. An election to void a claim shall be submitted in writing to the stewards by the claimant or his trainer.

(c) *Reserpine and fluphenazine.* Notwithstanding any inconsistent provision of Part 4043, should the analysis of a post-race blood or urine sample taken from a claimed horse result in a finding by the laboratory that the drug reserpine or the drug fluphenazine was present in the sample taken from that horse, the claimant's trainer shall be promptly notified in writing by the stewards and the claimant shall have the option to void said claim within five days of receipt of such notice by his trainer. An election to void a claim shall be submitted in writing to the stewards by the claimant or his trainer.

(d) *Upper neurectomy or unreported lower neurectomy.* Where an upper neurectomy as defined in subdivision (a) of section 4025.31 of this Subchapter or a lower neurectomy which has not been reported as required in subdivision (b) of section 4025.31 has been performed on a horse prior to the race in which it is claimed, the claimant shall have the option to void said claim upon written notice to the stewards from the claimant or his trainer given within 10 days following the date of the claim.

(e) *Undeclared pregnant mare.* Where a pregnant mare has been claimed which pregnancy has not been disclosed as required in section 4038.17 of this Part, the claimant shall have the option to void the claim upon written notice to the stewards from the claimant or his trainer within 10 days following the date of the claim.

(f) *Misrepresentation of age or sex.* Where a horse has been claimed and the age or sex of the animal has been misrepresented in the racing program, the claimant shall have the option to void the claim upon written notice to the stewards from the claimant or his trainer within 10 days following the date of the claim.

(g) *Excess TCO2 levels.* In the event that a claimed horse tests in violation of Rule 4043.8, and it is not determined that such TCO2 level is physiologically normal for that particular horse, the claimant or his trainer shall have the option to void the claim upon written notice to the stewards within five (5) days of receiving notice of the violation.

Agenda Item V

- V. The Thoroughbred Racing Associations' Medication Policy Recommendations, including, but not limited to:
 - a. Requiring the independent administration of Furosemide;
 - b. Corticosteroid use and regulation;
 - c. Strict Penalties for use of compounded Clenbuteral;
and
 - d. ISO17025 accreditation of drug testing laboratories.

TRA Board Endorses Each State's Adoption Of Uniform Medication Policies and Stronger Penalties

ELKTON, MD – The TRA Board of Directors, after meeting in Baltimore in late May, has endorsed a number of safety measures intended to ensure only sound horses participate in North American Thoroughbred races. This policy calls for the implementation of uniform regulations regarding more restrictive use of a limited number of therapeutic drugs, a strong penalty structure for violators, and the elimination of treatment practices that could imperil the welfare of the horse when racing.

"The TRA Board identified those issues that most relate to the safety of horses and jockeys," TRA president Chris McErlean said. "In many cases these issues have been studied by the Racing Medication and Testing Consortium (RMTC) and the Association of Racing Commissioners International (RCI) and rules already have been passed with the support of many of racing's national organizations. We could make tremendous strides quickly by having each state implement those rules. That is the objective of the TRA members."

The TRA Board seeks implementation across the nation of rules enhancing equine safety by strictly and uniformly regulating the use of therapeutic drugs in racing. In particular, the TRA supports extending current pre-race-day withdrawal times for approved non-steroidal anti-inflammatory drugs (NSAIDs, e.g. phenylbutazone), clenbuterol, and corticosteroids.

The TRA also endorsed a revision of the RCI's Model Rules on Medication to reduce the number of approved therapeutic medications to be used on horses in training and to increase significantly the penalty guidelines for prohibited substance violations and repeat violations of therapeutic medication rules. Furthermore, multiple penalties should be determined on a cross-jurisdictional basis, not state by state.

The RMTC already has begun work on a revision that would reduce the number of permitted drugs to the 26 therapeutic medications most commonly used to treat race horses and for which test thresholds and withdrawal guidelines already have been established. (Even minute trace residue of a drug can be detected long after there has been any pharmacological effect, so threshold levels ensure the drug has had no influence on the horse during the race.) Any trace level of any other drug during testing would constitute a violation and be subject to penalty.

TRA supports the existing RCI rule setting the threshold detection level at 2 micrograms (two trillionths per milliliter) for phenylbutazone as a result of the examining veterinarians' position that higher levels could hamper their ability to evaluate the soundness of a horse during pre-race exams. TRA also advocates pre-race examinations in every regulatory jurisdiction.

The threshold limit for clenbuterol should be 2 picograms (two millionths per milliliter) to prevent the misuse of the FDA-approved syrup for any muscle mass-building effects, as well as effectively preclude the use of imported higher-strength clenbuterol compounds. (The presence of compounded clenbuterol on racetrack grounds should be severely punished.) The RMTC is awaiting the conclusion of laboratory research later this summer to determine a recommended withdrawal time for adoption in a model rule. Similar research is nearing completion for approved anti-inflammatory corticosteroids.

Also identified as vital to the safety of the horse and rider is the adoption of the RCI model rule prohibiting shock wave therapy within 10 days of a race and the implementation of minimum standards requiring ISO (International Organization for Standardization) and RMTC accreditation for all testing laboratories.

The TRA urges all racing jurisdictions to immediately prohibit the use of race-day administration of adjunct bleeder medications.

The TRA Board also took the position any jurisdiction permitting race-day use of furosemide should implement the RCI model rule which restricts its administration to regulatory veterinarians or a commission designee, sets a minimum and maximum dosage, and has provisions for post-administration monitoring of horses identified as racing that day.

Summary of TRA Board Medication Policy Recommendations

- The RMTC and RCI are urged to pass a racing medication rule reducing the number of drug classifications to two – permitted therapeutics and prohibited – with the current number of approved-for-training medications reduced to 26, accompanied by much stronger uniform penalties, especially for repeat violations regardless of jurisdiction(s). All racing jurisdictions should adopt these revised medication rules by the end of 2012 or, if precluded by legislative or state procedural requirements, should be in the process of doing so by that time.
- All racing jurisdictions should eliminate the race-day administration of adjunct medications.
- All racing jurisdictions should immediately implement the RCI model rule regarding the use of non-steroidal anti-inflammatory drugs (NSAIDs), including a 2 (two) microgram threshold limit for post-race testing of phenylbutazone and the strict prohibition of the combination use of more than one of the permitted NSAIDs.
- All racing jurisdictions should immediately apply strict penalties for the use of compounded clenbuterol substances.
- All racing jurisdictions should implement a maximum threshold limit for detection of the FDA-approved clenbuterol of 2 (two) picograms with a recommended withdrawal time as established by RMTC later this summer.
- The TRA Board encourages the RMTC and RCI to expedite the passage of a model rule prohibiting the injection of corticosteroids into joints as soon as withdrawal guidelines are established by laboratory research this year.
- All testing laboratories should be accredited to ISO17025 standards by the end of the year and should participate in the RMTC lab testing accreditation program. The TRA also urges the RMTC to complete a manual of standard laboratory detection protocols to assure uniformity of results among the various laboratories.
- All racing jurisdictions should immediately implement the RCI model rule on shock wave therapy, prohibiting its use to no less than 10 days before a race.
- All jurisdictions should pass the RCI model rule regarding pre-race veterinary examinations of all horses on race day.
- Every jurisdiction also should implement the RCI model rule provisions requiring independent administration of furosemide by the state or official veterinarian or commission designee.