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LEGISLATION TO PROMOTE THE HEALTH

AND SAFETY OF RACEHORSES

TUESDAY, JANUARY 28, 2020

House of Representatives,

Subcommittee on Consumer Protection and Commerce,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 10:31 a.m., in Room 2322, Rayburn House Office Building, Hon. Jan Schakowsky [chairwoman of the subcommittee] presiding.

Present: Representatives Schakowsky, Castor, Veasey, Kelly, O'Halleran, Cardenas, Blunt Rochester, Soto, McNerney, Dingell, Pallone (ex officio), Rodgers, Burgess, Latta, Guthrie, Hudson, Carter, Gianforte, and Walden (ex officio).

Also Present: Representative Tonko.

Staff Present: Evan Gilbert, Deputy Press Secretary; Lisa Goldman, Senior Counsel; Waverly Gordon, Deputy Chief Counsel; Daniel Greene, Professional Staff

Member; Tiffany Guarascio, Deputy Staff Director; Alex Hoehn-Saric, Chief Counsel, Communications and Consumer Protection; Zach Kahan, Outreach and Member Service Coordinator; Joe Orlando, Staff Assistant; Alivia Roberts, Press Assistant; Tim Robinson, Chief Counsel, Chloe Rodriguez, Policy Analyst; Rebecca Tomilchik, Staff Assistant; Mike Bloomquist, Minority Staff Director; Jordan Davis, Minority Senior Advisor; Tyler Greenberg, Minority Staff Assistant; Bijan Koochmaraie, Minority Deputy Chief Counsel, CPAC; Tim Kurth, Minority Chief Counsel, CPAC; and Brannon Rains, Minority Legislative Clerk.

Ms. Schakowsky. The Subcommittee on Consumer Protection and Commerce will now come to order.

The chair will now recognize herself for 5 minutes for opening statements.

So today's hearing is to discuss H.R. 1754, the Horseracing Integrity Act. This bill is vital for the health of equine animals, jockeys, and horseracing itself. The protection of animals overall and horseracing and horses in particular is very important in my district. I hear -- my office has received literally thousands of letters in support of horse welfare in recent years.

I was the proud owner of a Thoroughbred who actually never won at the track but was always very good to me. There is an urgent and desperate need for this legislation. Last year, 38 horses died at Santa Anita, at Santa Anita Park alone. In the final race of the season, the horse Mongo -- Mongo Groom died just 200 yards from the finish line. Earlier this month, two racehorses were euthanized on the same day at Harrah's Louisiana Downs. Frankly, one death is too many, but the inexcusable fact is that we can do more to prevent these deaths.

Patchwork oversight, and spotty regulation means horses are often treated with drugs designed to enhance their performance without concern for their health. Jockeys face real danger as well. And we are so happy to have Hall of Fame jockey Chris McCarron who is here today. Because doped horses are more likely to fall and injure themselves, riders risk serious injury as well.

The lack of uniform regulation and supervision means State commissions allow parties to play by their own rules. Too often, they are at the expense of the horse.

Horseracing is a historic sport, but it faces rapid decline if these problems persist. The continuation of avoidable racehorse deaths will erode confidence in every facet of

the sport.

So I want to yield the balance of my time to the sponsor of the legislation, and that is Congressman Paul Tonko.

[The prepared statement of Ms. Schakowsky follows:]

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Mr. Tonko. Well, thank you, Madam Chair.

And thank you and Chairman Pallone and our friends across the aisle for hosting today's hearing which is incredibly important to the future of this industry. I am pleased that we are holding this hearing today to learn about the Horseracing Integrity Act and how we can ensure that the sport of kings continues to thrive well into the future.

This is an issue near and dear to my heart, as I represent the Nation's oldest track in operation, the Saratoga Race Course, which has long been steeped in the storied tradition of this sport. Today, we find ourselves at an inflection point with regard to the future of horseracing. High profile horse deaths at Santa Anita and around the country have tainted the sport in the eyes of the public and have called into question the future viability of horseracing in the United States.

Those who love the sport are forced to choose between two paths as we move forward. The path of least resistance would be to do nothing. By ignoring the criticism and continuing with business as usual, we would be accepting a steady decline as the new normal, tragedies would mount, and the sport would continue to lose credibility with the American public. Some States would likely take the drastic step of eliminating horseracing altogether.

Alternatively, the horseracing industry could choose the more difficult path of action. This path of reform would require introspection and some disruption of the status quo for those in the industry, but at the end of the day, the sport would emerge stronger and poised for continued success in the decades to come.

Today, we will take that first step on the path of action, and I thank our witnesses for adding their voices to this important conversation. By advancing the Horseracing Integrity Act and placing the majestic equine athletes front and center, we can truly

capture the imagination of the Nation and the sport of horseracing can thrive and grow with time. Let's make 2020 a year of action and get the Horseracing Integrity Act across the finish line.

With that, I yield back, Madam Chair, the balance of my time.

[The prepared statement of Mr. Tonko follows:]

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Ms. Schakowsky. And I yield back my time.

And the chair now recognizes Mrs. Rodgers, the ranking member, for the subcommittee for her 5-minute opening statement.

Mrs. Rodgers. Thank you, Madam Chair.

Good morning, and welcome everyone to the Consumer Protection and Commerce Subcommittee legislative hearing. Today we will focus on H.R. 1754, the Horseracing Integrity Act of 2019.

Horses hold an important place in our shared culture and history, and the industry contributes immensely to local communities across the country. This is a tough issue and one that your industry is very passionate about. I appreciate the panel being here today to help us better understand H.R. 1754 and how it will impact the industry.

I would like to raise the majority's decision to prevent Representative Andy Barr from providing an opening statement. Last Congress, when the Republicans were in the majority, we held a hearing on this legislation. We extended both Mr. Barr and Mr. Tonko the courtesy of providing opening statements on their own member panel because of their leadership on the issue. During other legislative hearings this Congress, off-committee members have been afforded the opportunity to testify on the bills they are leading on. Unfortunately, that courtesy was not extended today.

I would like to use the remainder of my time to read the following statement prepared by Mr. Barr.

Nothing is more synonymous with the commonwealth of Kentucky than Thoroughbred breeding and horseracing, which includes the horse capital of the world. Lexington, Kentucky, is surrounded by more than 400 horse farms, and Keeneland hosts many notable races, including the Toyota Bluegrass Stakes and the Breeders Cup, which

will be held again at the racetrack this fall.

With the privilege of representing this unique industry comes the responsibility of fighting for its future. However, this sport is not solely relevant to those States that are home to the Triple Crown races, like Kentucky, Maryland, and New York. Horseracing is very much a national sport.

The horse industry contributes approximately \$50 billion in direct economic impact to the United States economy and has the direct employment impact of nearly a million jobs; 988,394. Therefore, advocating for this industry requires more than celebrating its proud heritage.

Currently regulated by 38 separate jurisdictions, the horseracing industry labors under a patchwork of conflicting and inconsistent State-based rules governing prohibited substances, lab accreditation, testing, and penalties for violations. This lack of uniformity has impeded interstate commerce, compromised the international competitiveness of the industry, and undermined public confidence in the integrity of the sport.

The Horseracing Integrity Act would remedy these problems by authorizing the creation of a nongovernmental, anti-doping authority, governed by representatives of all major constituencies of the industry and responsible for implementing a national uniform medication program for the entire horseracing industry. A national uniform medication program is not about creating more bureaucracy or regulation. Rather, it is about streamlining the current regulatory structure to ensure the safety of our athletes.

The most recent draft of the Horseracing Integrity Act was developed through a highly deliberative and bipartisan process and takes into consideration a diversity of perspectives from all parts of the industry. The result is support from a majority of members of the House. We must build on the momentum in Congress and the industry



as a whole to ensure the safety of our athletes and increase the popularity, public confidence, and international competitiveness of the sport.

I would like to offer Mr. Barr's full written statement for the record.

Thank you and I yield back.

[The prepared statement of Mrs. Rodgers follows:]

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Ms. Schakowsky. The gentlewoman yields back.

And now I recognize the chairman of the full committee, Mr. Pallone, for 5 minutes.

The Chairman. Thank you, Madam Chairwoman.

New Jersey has always had a special relationship with horses. Our State symbol includes the head of a horse, representing speed and strength, and our official State animal is the horse. It is a small State geographically, but surprisingly to some, the home of tens of thousands of horses. About a decade ago, the Rutgers Equine Science Center found that the horse industry in New Jersey was responsible for \$1.1 billion in economic impact and generated about 13,000 jobs.

And horseracing is also a popular sport across the United States. In 2016, there were more than 46,000 Thoroughbred and Quarter Horse races and more than 38,000 harness races held throughout the Nation. Wagers on thoroughbred races is a good indicator of the public interest in the sport, near \$12 billion in 2018, marking the fourth consecutive year of steady increases. More than 30 percent of U.S. households claim a horse enthusiast who watches or participates in horse events.

And the success of the sport rides on the health of its star athletes, the horses and the jockeys. A recent wave of deaths at California's Santa Anita Park has put renewed focus on the dangers of the sport. Tragically, 56 horses suffered fatal injuries at the track between July of 2018 and November of last year, and five horses have already died at Santa Anita this year.

And when a horse suffers a catastrophic injury, the jockey's health and welfare is also at stake. According to a study published in the Orthopedic Journal of Sports Medicine, the most common cause of jockey falls is a catastrophic injury or sudden death

of the horse. And over half of all falls result in jockey injuries.

Today we will be exploring ways to protect horses from injury and improve the general health of horses, from examining the effect of track conditions, reducing the risk of injury, and the best use of medications.

We should also be able to agree that the welfare of the racehorses is of the utmost importance and that the sport should be safe. I am committed to working with all stakeholders to promote the health and safety of horses and jockeys, and I know that the horseracing industry is continuing to actively work on proposals to further that aim.

Now, thanks to the diverse panel of witnesses -- we have a diverse panel today, and I want to thank all of you for being here -- I am optimistic we can work together to build the consensus approach that protects horses, preserves the integrity of the sport, and maintains a level playing field.

And I have to particularly welcome my friend, Dennis Drazin, who is the chairman and CEO of Darby Development, which operates Monmouth Park Racetrack in my district. It is not just in my district; it is literally walking distance from my congressional office and from the home where I grew up.

Monmouth Park dates back to 1870 and hosts Thoroughbred racing, including the prestigious Haskell Invitational. I am very proud to have the track in my district, and I have to say that I have known Dennis and I knew his parents since I was a child. So thank you, Dennis, for being here and for all you do at Monmouth Park.

And I yield back, Madam Chair.

[The prepared statement of Chairman Pallone follows:]

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Ms. Schakowsky. The gentleman yields back.

And I would like to remind all members that pursuant to committee rules, all members' written opening statements shall be made part of the record.

And now it is my pleasure to introduce and first thank all of the witnesses who are here. And, first, let me introduce Mr. Marty Irby, who is executive director of Animal Welfare Action. Next is Mr. Edward Martin, who is president and CEO of the Association of Racing Commissioners International, Inc. Next we have Mr. William Lear, Jr., vice chair of The Jockey Club. Next we have Dr. Kathleen Anderson, who is an equine veterinarian. Next is Mr. Joseph De Francis, chairman of the national -- what is it? Does that say horseracing? Yes, okay. Sorry -- Dr. Joseph De Francis, chairman of the National Horseracing Advisory Council of the Humane Society of the United States. We welcome you. And, finally, Mr. Christopher McCarron -- is that the -- no, it is not the last -- Mr. McCarron, Hall of Fame jockey.

And -- where is the last? There you are. Mr. Dennis Drazin. Am I saying that right?

Mr. Drazin. Yes.

Ms. Schakowsky. Okay. Mr. Dennis Drazin, who is chair and CEO of Darby Development, which is the operator of Monmouth Park Racetrack.

So I want to call your attention to the lights that are in front of you. Each of you will get 5 minutes. In front of you is a series of lights. The lights will initially be green at the start of your opening statement. Then there will be a yellow when you have 1 minute remaining, and finally, it will turn red, and at that point, we hope that you will be finishing. So I would recommend when it turns yellow, you start summarizing and ending your testimony.

So we are going to begin with Mr. Irby, and you are recognized for 5 minutes.

**STATEMENTS OF MARTY IRBY, EXECUTIVE DIRECTOR, ANIMAL WELLNESS ACTION;  
EDWARD J. MARTIN, PRESIDENT AND CEO, ASSOCIATION OF RACING COMMISSIONERS  
INTERNATIONAL, INC.; WILLIAM M. LEAR, JR., VICE CHAIRMAN, THE JOCKEY CLUB; DR.  
KATHLEEN M. ANDERSON, EQUINE VETERINARIAN; JOSEPH A. DE FRANCIS, CHAIRMAN  
NATIONAL HORSERACING ADVISORY COUNCIL OF THE HUMANE SOCIETY OF THE  
UNITED STATES; CHRISTOPHER J. MCCARRON, HALL OF FAME JOCKEY, RETIRED; AND  
DENNIS A. DRAZIN, CHAIRMAN AND CEO, DARBY DEVELOPMENT, OPERATOR,  
MONMOUTH PARK RACETRACK**

**STATEMENT OF MARTY IRBY**

Mr. Irby. Good morning, ladies and gentlemen and members of the committee. I want to thank Chair Schakowsky and Ranking Member McMorris Rodgers and Chair Pallone for conducting this hearing, and thank Representatives Tonko and Barr for their leadership on the Horseracing Integrity Act. My name is Marty Irby, and I am the executive director of Animal Wellness Action in Washington, D.C.

First, I want to underscore that we do not oppose horseracing. We join with many horse owners, breeders, and trainers in speaking out on the broader topic of horse protection within the equine industry. We are deeply concerned about on- and off-track risks for horses, including catastrophic injuries sustained during racing.

America was built on the backs of horses, and they have always played a central role in the economy and culture of the United States. We owe them a debt of gratitude, and the very least we must do is ensure their safety and protection.

Horses are dying at alarming rates on racetracks across the U.S., posing a serious welfare problem. 2019 was a tragic year in U.S. horseracing, and 2020 has begun in

quite the same vein. This epidemic has gained nationwide attention and concern, and 42 horses have died at Santa Anita Park in California since December of 2018.

The rampant doping, along with the absence of a national regulatory body, pose unacceptable health risks to horses. Horses that need to be trained to race under the influence of any performance-enhancing or pain-masking drug should not be doing so and should be resting instead.

As a lifelong horseman, I have spent the vast majority of my life in the presence of horses and most of the past decade working to protect them. I understand their biology, their social characteristics, behaviors, and instincts, and I believe that horses are born to run.

Equine behavior is best understood from the view that they as prey animals, horses are uniquely sensitive, and their first reaction to a threat is often to flee. But humans domesticated horses thousands of years ago, and more athletic breeds were selected for traits such as speed, agility, alertness, and endurance, building on natural qualities from their wild ancestors. These are the same traits carried today by the horses we see in racing competition, traits that predispose them to inherent vulnerabilities when overworked, resulting in painful and often permanent injuries. Simply masking pain or injury for benefit for human exploitation and capital gain has created an equine welfare crisis within the racing community and public domain alike.

For the past 5 years, I have worked in concert with the Coalition for Horseracing Integrity to advance the Horseracing Integrity Act in order to bring a higher standard of care and safety for the horses and save equine lives.

Today, horseracing operates under a vulcanized patchwork of rules that creates confusion and risk and contains gaps in enforcement. H.R. 1754 would greatly improve regulatory standards, ban the use of all medications on race day, and level the playing



field for everyone invested in horseracing.

The bill designates the U.S. Anti-Doping Agency as the independent organization that would oversee and administer drug testing in U.S. horseracing. Delegating that authority for testing, oversight, and rulemaking to USADA is the cornerstone of this landmark legislation and a provision that is the most critical component for the protection of racehorses along with the legislation's specific ban on race-day medication.

H.R. 1754 would provide USADA with the ability to impose penalties for cheating that apply nationwide, a lifetime ban for the most severe types of doping, and range of penalties for other serious medication violations.

Imagine if all 32 professional football stadiums in the U.S. had its own set of rules with variations from stadium to stadium. Well, that is the scenario that U.S. horseracing currently operates within. And if NFL players choose to dope themselves and take drugs, they are the ones who have made that decision. Unlike human athletes, horses have no voice and they have no choice. And that is why we are here today and why we must ensure they are properly protected.

That is -- the public sentiment is rapidly shifting from a desire to end doping concerns about the very existence of the sport itself. Even Ferdinand, the winner of the 1986 Kentucky Derby, fell victim to the predatory industry of horse slaughter. If one of the Nation's most popular horses is prodded into a kill chute, then no horse is safe.

And it is vitally important for the protection of American racehorses that the full committee also advance H.R. 961, the Safeguard American Food Exports Act, led by Chair Schakowsky, that is set to be heard tomorrow before the Health Subcommittee.

The inability of the horse industry to better protect its equine and human athletes underscores the need for the Horseracing Integrity Act to pass this year. If Congress fails to pass the Act and the obstructionists within the industry continue to hinder this

legislation, then we may very well see those who demand horseracing be brought to an end prevail.

Our modern-day society will no longer tolerate abuse and horse deaths for the purposes of entertainment. This is not ancient Rome. This is 2020. There is no aspect of horseracing that should be more important than the protection, safety, and care of the horse.

I ask that the Horseracing Integrity Act be advanced to the House floor for a vote, and thank the chair and members for their support on this issue. The way in which we treat the most vulnerable among us is a reflection of our character as a Nation and a society.

Thank you.

[The prepared statement of Mr. Irby follows:]

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Ms. Schakowsky. Thank you. And thank you for keeping to the time.

Mr. Martin, you are now recognized for 5 minutes.

#### **STATEMENT OF EDWARD J. MARTIN**

Mr. Martin. Chairwoman Schakowsky, Ranking Member Rodgers, and esteemed members of the subcommittee, for 85 years, the Association of Racing Commissioners International has put forth policies to ensure the safety of horses and an honest fair race. We wear the white hats and we are on the front line. Sometimes people listen, sometimes not. Thank you for listening.

The bill before you is focused on integrity and uniformity. We cannot support it for a variety of reasons, mostly because it does not address the real problem.

The biggest problem in horseracing is dead horses. And while State regulatory changes have helped, more needs to be done by everybody. At-risk horses must be kept off the track, and this cannot be done without identifying and monitoring them throughout their racing career. Efforts under way in the mid-Atlantic States are helping, but statutory limitations stand in the way of what should be happening everywhere.

The regulatory framework has a gaping hole: Horses that are not under the jurisdiction of a State commission. That must be closed, either by government or by an NGO.

The existing breed registries, like The Jockey Club, are uniquely positioned as every State requires racehorses be registered with them. They can be the NGO authorities regulating the care, breeding, and management of horses before being entered in a race or brought to the track. That is the point at which they come under

the jurisdiction of the States. As guardians of their breeds, it is not inconsistent for them to impose requirements to protect the health of these horses so that they are suitable to race.

Last summer, the ARCI board appealed to The Jockey Club to require the submission of all vet records, including medical diagnosis, treatments, and procedures so their technology can identify horses in need of increased monitoring. We also proposed out-of-competition equine suitability testing and exams to red-flag horses so a track or regulatory vet would have the entire picture to determine whether the horse should be allowed to race.

Somebody needs to do this who has extensive equine welfare expertise, not the entity proposed in the bill. Congress can designate an agency or NGO to be empowered and require registration to do this, if the breed registries opt not to do this under the existing position -- special position -- they currently have uniformly in every racing State. Every day this is not done, another horse is potentially at risk.

The deaths in California underscore the crisis. Immediate and sweeping action is needed. It is not about the drugs; it is about what is going on with that horse and why they are being treated. You are not going to get to that by changing a drug rule here or who gets to make the doping rules there. That is why we believe this bill is inadequate.

An independent system to make rules, enforce them, and hear cases is already in place. You don't need to create a new one. You can achieve uniformity without creating a new bureaucracy by putting one sentence in statute to incorporate the ARCI model rules of racing by reference.

As to integrity, doping, and cheating, this is a concern of all sports. Some say our labs are not good. Others say they are too good because we detect minute levels of things in the environment. Well, you can't have it both ways. Our lab results are

comparable with those of the WADA and USADA labs in human sport. Does that mean the labs catch everything? No. Lance Armstrong got past the WADA/USADA labs over 300 times before an informant pointed the way.

Cheaters exist. This bill is not going to change that. Please know that we are never satisfied and continually strive to do better, as the New York lab again proved last week when it was the first in equine or human sport worldwide to identify and confirm the use of an exotic blood and gene doping agent, IOX-2.

Finally, on Lasix. We do not believe equine medication policy should be politicized. Current policy was an industry welfare initiative over 30 years ago to safeguard horses from a condition known as EIPH. It helps the horses that need it, it doesn't hurt the horses that don't. This issue is again under review.

Last spring, our science advisers were unanimous in reporting that there is nothing linking Lasix to the breakdowns that are killing horses. Time spent on this is time that we are not spending on solving the real problem in developing a bill to close the regulatory gap I have mentioned. You can fix this, and we are here to help you.

Thank you for listening.

[The prepared statement of Mr. Martin follows:]

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Ms. Schakowsky. Thank you, Mr. Martin.

Now I recognize Mr. Lear for his 5 minutes of testimony.

**STATEMENT OF WILLIAM M. LEAR, JR.**

Mr. Lear. Thank you, Chair Schakowsky, Chairman Pallone, Congresswoman McMorris Rodgers, members of the committee, Mr. Tonko, Mr. Barr, my own Congressman whom I have known for many, many years. My name is Bill Lear. I am vice chairman of The Jockey Club and I am a trustee of Keeneland Racetrack.

The goals of the Horseracing Integrity Act are simple and straightforward. We want the cleanest possible sport, we want the safest possible sport, and we want an even playing field. To do that, we have to fix our medication regulation system, and we know that and we have known that for some time, and we have tried to do that within our own industry. Federal legislation was not our choice of first resort. We tried with a compact. It failed. My own State, Kentucky, did pass it. Nobody else passed it. They are trying again with another compact, and it is flawed with some provisions that ultimately, in my view, will prevent it from being effective.

So where are we with our current system? Four years ago, in response to a statement made by Mr. Martin, who is an eloquent custodian of the status quo -- I take -- I take a lot of pride in sitting next to him, but he does represent the status quo. I asked these questions about our current system. I said, do we have the same medication rules in place in every jurisdiction in the United States or even in all the major racing States? The answer to that then, as it is now, is no, and you have received a lot of information from researchers about that fact.

Do we have the same testing rules and procedures in place everywhere, including best out of practices -- out-of-competition testing practices? And, frankly, that is the way you catch cheaters. And the answer to that is no.

Do we have the same procedures and standards in place for labs, and almost as important, the same contractual terms with labs so that you are paying the same price everywhere? Because, frankly, some of them do it on the cheap. And the answer is no and no. And they are also not, except for one lab in the United States, certified, accredited to the same levels as the best labs around the world.

Do we have the same processes for investigation, the same number of investigators around the country and the same adjudication processes? No, we don't.

Do we have the same system of penalties, and is there consistency in the application of those penalties, meaning, does the same offense in California result in the same penalty there as in Kentucky, as in Florida, as in New York? No.

And do we have a system in place that can react quickly and uniformly around the Nation to address the latest drug problem that arises?

Passage of this bill would address all those deficiencies by combining the world's best, the gold standard for anti-doping in the world, USADA, with State regulators, trainers, tracks, vets, jockeys, owners and breeders, both on the board of this private, self-regulatory organization, and in the committees, the standing committees that support its work.

The legislation provides due-process guarantees to everybody in rules promulgation and adjudications, the ability to react quickly, forcefully, and nationwide, an avenue for partnering with State regulators to plug into their system by contract but all with the same processes, protocols, and rules. And most importantly, it is founded on the proposition that the regulatory authority should be controlled by independent

persons with no conflicts of interest.

No case better illustrates that point than what happened with the Triple Crown winner Justify, who had a positive drug test in the race in which he qualified for the Kentucky Derby that was later dismissed behind closed doors by the California Horse Racing Board. Thus, even one of the greatest achievements in modern racing was given a black eye by our current system.

This bill represents true reform. That is why it is supported by key industry organizations, by jockeys, by many, many trainers and others, and animal welfare organizations. Many people in our industry believe that they are staring at the abyss, that we have to do something and have to do something now, and this bill represents the best path forward.

Thank you.

[The prepared statement of Mr. Lear follows:]

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Ms. Schakowsky. Thank you.

And now, Dr. Anderson, you are welcome to take your 5 minutes of testimony.

#### **STATEMENT OF DR. KATHLEEN M. ANDERSON**

Dr. Anderson. Thank you, Chairman Schakowsky, Ranking Member McMorris Rodgers, distinguished members of the subcommittee. Thank you for the opportunity to appear before you today on behalf of the horse.

My name is Dr. Kathleen Anderson, and I am an equine veterinarian who has practiced with Thoroughbred racehorses for 34 years. For the past 27 years, I have owned and operated an equine veterinary practice based at the Fair Hill Training Center in Cecil County, Maryland, approximately 2 hours north of where we sit today. I am licensed in nine States and hold racing commission licenses in three States.

I share this information with you today to make the point that I am engaged daily in the care of the Thoroughbred racehorse in training and competition and often throughout their second careers in other equestrian endeavors.

How is this relevant to the legislation we are here to discuss today? As a volunteer who has served thousands of hours with equine industry groups beyond my daily practice, I am committed to be a voice for the horses I care for, the Thoroughbred racehorse. The health, welfare, and safety of the racehorse is my primary guiding mission as a veterinarian, as a citizen of the equine community, and as a leader within the racing community.

Specific to this legislation, I served as the 2016 president of the American Association of Equine Practitioners. I continue to serve on the AAEP Racing committee

which has been actively monitoring and evaluating this legislation. I am a co-author of the Mid-Atlantic Strategic Plan to reduce racing fatalities, and recently I endorsed the Thoroughbred Safety Coalition reforms at their inaugural announcement last fall.

I tell you this to demonstrate that I am familiar with the intricacies and impacts of this legislation. I strongly support seeking and implanting solutions to racing industry challenges. The Jockey Club is to be commended on their commitment to the welfare of the Thoroughbreds during and after their racing careers, as evidenced by the many initiatives they have supported. The equine veterinarian's role is to bring expertise, knowledge, and commitment to racing industry initiatives directly impacting the horse.

Uniformity, we can all agree, should be the holy grail of our efforts, for it is the glue that will bind all racing jurisdictions together, with cohesive policies, not just on medication such as this bill seeks to achieve, but on all matters impacting risk management of the racehorse. Uniform medication rules, enforcement and penalties, uniform laboratory testing, accreditation and interpretation, uniform regulatory veterinary duties, uniform track surface requirements, racing office policy and crop rules, uniform injury response, records and investigations.

Many of these are included in the Mid-Atlantic Strategic Plan, which is an example of the work being done by collaborative racing stakeholders to fulfill the mandate of safety and welfare of the racehorse, while simultaneously ensuring the integrity and level playing field within our American racing environment.

As a practicing veterinarian, I do have concerns that eliminating furosemide, the only allowed race-day medication, will not improve the safety and welfare of the racehorse. There is substantial documented science behind the safe and efficacious use of furosemide to prevent exercise-induced pulmonary hemorrhage, a respiratory condition common in elite athletes, including human athletes.

EIPH can adversely impact racehorses not only in their current careers but also in their second careers. Studies done in the 1980s in Hong Kong by an international team of veterinarians examined the lungs on deceased racehorses to document the damage of the lung tissue of horses with EIPH. This provided strong physical evidence supporting the decision made 40 years ago to allow the administration of furosemide on race day based on what was best for the health of the racehorse.

In my opinion, this bill could be improved with significant changes in the governance structure, to include expanded veterinary expertise in several areas such as veterinary pharmacology and extensive experience in veterinary racetrack practice. The real need for uniformity expands beyond doping and medication. I believe the solutions lie in a unified racing stakeholder effort such as we have implemented in the mid-Atlantic with strong, multifaceted reforms.

Thank you, and I look forward to answering your questions.

[The prepared statement of Dr. Anderson follows:]

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Ms. Schakowsky. Thank you, Dr. Anderson.

And now, Mr. De Francis, you are recognized for 5 minutes.

#### **STATEMENT OF JOSEPH A. DE FRANCIS**

Mr. De Francis. Thank you, Chair Schakowsky. Good morning. Good morning, Ranking Member Rodgers, Chairman Pallone, members of the committee. My name is Joe De Francis, and it is a distinct privilege and a genuine pleasure to be with you this morning to discuss a matter of the utmost importance, not just to me personally, but to the industry that I love very, very dearly. And I want to thank you sincerely for the opportunity to be here today.

I am here wearing multiple hats. As Chair Schakowsky mentioned in her introduction, I am very proud to be the national chairman of the Horseracing Advisory Council of the Humane Society of the United States, and in that capacity, to speak on behalf of the animal welfare community.

I was also the controlling shareholder and majority owner and chief executive officer of the Maryland Jockey Club for about two decades. The Maryland Jockey Club is the corporate parent entity of Pimlico Race Course, the home of the Preakness, the middle jewel of horseracing's Triple Crown, as well as Laurel Park, which is the closest major thoroughbred track to where we are sitting this morning in our Nation's capital. And so I also bring a businessman's perspective to this issue.

Focusing on the animal welfare perspective, I think the moral and ethical imperatives are so self-evident that I don't need to take the subcommittee's time this morning to belabor them. I would just like to simply observe and echo the comments of

my colleague, Mr. Irby, that while human athletes have a choice, human athletes have free will and can choose to endanger their health and welfare and safety to take performance-enhancing or pain-killing drugs, horses have no choice, they have no free will. They are completely dependent for their health, safety, and welfare on the ethics and the morals of the people who care for them.

From a business perspective, it may seem rather strange to some of you that we as business people are here asking you, taking your time, to impose a new framework of Federal regulation on our business. I would imagine that doesn't happen very often, and it might appear kind of crazy to some of you, but I can assure you there is a method to our madness.

Horseracing is unique in that it has no commissioner. We have no national office. Unlike football, baseball, basketball, hockey, there is no Roger Goodell or Pete Rozelle. There is no Gary Bettman, Adam Silver, or David Stern.

It is not that we don't want one. We have been trying for decades to have one. My colleague, Mr. Drazin, writes passionately in his prepared testimony how he has been working for 20 years to support a national office who is empowered -- and those are the key words -- who is empowered to regulate the business on a national basis.

The problem is, because horseracing involves wagering, it has been pervasively regulated. Every aspect has been pervasively regulated on a State basis since horseracing's inception. This pervasive State regulation prevents us, as private business people, from voluntarily entering into any type of national coalition or national compact to empower one national office to set national rules that all the participants in the sport must abide by.

We can't solve this problem by ourselves. We have been trying for decades. Every initiative has failed miserably. The pervasive State regulation works well in many

aspects of the sport, but I don't think anyone can disagree that it has failed miserably when it comes to the critical issue of drugs and medications.

Why is this so important to the business? Horseracing faces greater competition than ever before for the entertainment dollar. The proliferation of technology and forms of entertainment and wagering is exploding before our very eyes. Our greatest asset, our greatest weapon in this competition is the athleticism and nobility and majesty of the Thoroughbred racehorse.

Survey after survey after survey has shown that not only the general public but our core fans are losing confidence to an increasing degree in our stewardship of the integrity of the sport and the fundamental integrity of our product, that we are doing our jobs properly and looking after the health and welfare and safety of these magnificent equine athletes that are the very foundation of our sport.

You don't need a Ph.D. from a top ten business school to know that if you lose the confidence not only of the general public but of your core customers in the basic product that you are offering, the invisible hand of the marketplace is going to drive your business into oblivion. You won't need to worry about remedies. The marketplace will take care of it, and you will be out of business, just as many businesses like Ringling Brothers Circus that failed to follow this principle of business 101 have suffered.

So it is not an overdramatization and it is not an oversensationalizing to say that the very future of the industry, the survival of the business is at stake. As someone who has been a passionate fan of this sport since I was 5 years old, a time span now, Chair Schakowsky, I am sorry to say, extends over six decades, I really, really would respectfully request -- in fact, I would implore you -- to report favorably on H.R. 1754 at the earliest possible time.

I thank you very much for your time and attention this morning, and I really

welcome the opportunity to answer any questions that you might have. Thank you.

[The prepared statement of Mr. De Francis follows:]

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Ms. Schakowsky. Thank you very much, Mr. De Francis.

And now, Mr. McCarron, we welcome your testimony for 5 minutes.

#### **STATEMENT OF CHRISTOPHER J. MCCARRON**

Mr. McCarron. Good morning, and thank you, Chair --

Ms. Schakowsky. Put your mike on. There we go.

Mr. McCarron. I am sorry about that.

Good morning, and thank you, Chair Schakowsky and Ranking Member Rodgers, and members of the committee, for inviting me here today. My name is Chris McCarron. I was a professional thoroughbred jockey for 28 years, from 1974 through 2002. I won 7,141 races from over 34,000 mounts. And when I retired, I was the leading money earner in the sport's history. I won six Triple Crown races, including two Kentucky Derbies, nine Breeders Cup races, five coming in the Classic. I was inducted into the Hall of Fame in 1989 during my first year of eligibility.

I am also a founding member of the Humane Society of the United States National Horseracing Advisory Council. I joined that council because I believe in the organization's animal welfare mission. The humane movement in American history was built around the protection of horses, and we have a deep responsibility to them. That is why I am here today.

I support H.R. 1754 because horseracing as a sport has been in serious decline for years, and something must be done to curb this trend. I believe one of the reasons for this decline is the lack of public confidence in our product. Over the past few decades, medication violations -- by this I mean horses testing positive for banned substances and



nonbanned substances in excess of permitted amounts -- have escalated to the point of being unacceptable to our patrons and participants alike.

When I began my career right here in Maryland in 1974, the average number of annual starts for a horse was 14. Today, the average number of career starts is 11. This stat alone has caused many of our horse owners to leave the sport and countless others to lose interest in becoming an owner. Racing simply cannot withstand this serious decline. Why would anyone, knowing these stats, want to become involved in racehorse ownership?

Further, there are far too many horses suffering an injury to the point where their career has come to an early end. To borrow and adapt an old adage, medications don't kill horses; improper use of medications kill horses. Instead of giving the horse the rest it needs, the trainer relies on his or her veterinarian to administer medication to mask pain by reducing inflammation caused by an injury. I can tell you this for sure, horses' careers would last much longer if this practice was less prevalent.

I should also say that I have a personal interest in seeing this bill passed. Far too many of my brethren, the active jockeys and exercise riders plying their trade on a daily basis are being injured due to horses breaking down during racing or training. Seven years ago, the Journal of American Medical Association conducted a study that revealed 31 -- jockeys experienced 31 accidents per week.

To be clear, this is a very dangerous occupation. More to the point, it has been reported to me by the Jockeys' Guild that on average, two jockeys die each year and two more are left paralyzed. Furthermore, there are currently over 60 permanently disabled jockeys in the United States. The majority of these tragedies occur due to horses breaking down. Very often these horses are racing with preexisting conditions that have been masked by medication.

I can also tell you this: While riding, it is a truly helpless feeling, Madam Chair, that when a horse breaks down, it is a tragedy. If a jockey is lucky enough to survive the fall, the sorrow felt for the fate of the horse is the next weight to bear. When jockeys get on the horses, they aren't told the medical history. They aren't told whether the horses are completely sound. They aren't told whether a particular horse should be resting rather than racing. That is why I strongly support the Horseracing Integrity Act. This bill directly addresses one of the leading causes of breakdown.

Right now, there are almost no controls on what therapeutic horses are -- therapeutics horses are given while training. A substantial number of breakdowns happen on the training track in the mornings. This bill would significantly expand out-of-competition testing, which is below 5 percent of all tests for horses right now. By comparison, 60 percent of all tests of Olympic athletes are out of competition.

There is something really wrong here, and I will tell you what it is. The status quo, with 38 different States governing one industry, with 38 different sets of rules and penalties, and numerous different laboratories doing the testing using different standards is just not working. It simply cannot go on if Thoroughbred racing is to continue to be a viable industry.

Our racing industry provides over \$15 billion annually to the American economy, while supporting nearly a quarter million jobs. That concerns me. Something must be done to stem the tide and stabilize an industry that is so vital to communities across the country. I sincerely hope that you give H.R. 1754 the thumbs-up and give -- and help the thoroughbred industry right this ship. It is sinking and we truly need your help.

Thank you for inviting me to testify today.

[The prepared statement of Mr. McCarron follows:]

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Ms. Schakowsky. Thank you very much.

Now, Mr. Drazin, you are welcome to give your 5-minute opening statement.

#### **STATEMENT OF DENNIS A. DRAZIN**

Mr. Drazin. Thank you.

Chairwoman Schakowsky, Congresswoman Rodgers, Chairman Pallone, members of the committee, Congressman Tonko, thank you for your work on this.

Unfortunately, I am opposed to H.R. 1754, and I want to explain why. I come from a background in horseracing, in addition to the other hats that I wear. I have owned horses, raised horses, bred horses, worked for the horsemen's associations, been their counsel, been their legislative counsel, been their president, ended up as chairman of the racing commission, served on a number of blue ribbon panels trying to help horseracing.

I love horses. It is my passion. I want to protect horses. I want to do everything I can to get it right the first time, not pass a bill that I think goes a long way to help but doesn't go far enough.

So what I am trying to do is come before you and explain to you the things that I think that need to be added in order to help preserve the health, safety, and welfare of our horses and our jockeys. So let me talk about a few things that are missing from this bill.

The National Thoroughbred Horsemen's Association has worked very hard for the past 6 months trying to move forward with amendments to this bill that would be acceptable to the industry. And I have been in front of legislatures in our State a

number of times. I think there is widespread support for this bill, and therefore, it makes more sense to me to try and amend this bill to get it right, instead of crafting a totally new bill and starting over again.

The things that are missing from this bill that I think we need to add to make our horses safe and our jockeys protected would be to come together, which we are doing -- we have met a number of times with a special committee of our representatives -- to talk about racing environments that are as safe as any other surface in the world.

Equine injury reporting and prevention protocols that brings the United States of America racing injuries and fatalities in line with international injury statistics.

Safe and consistent racing surfaces, through scientific monitoring and maintenance.

Uniform equine medication and testing standards, including a significant increase in out-of-competition testing, because that is where you are going to catch the cheaters. We do a lot of tests post race, but you will catch more people with out-of-competition testing.

Regulatory transparency and nationwide portability of veterinary records. Everybody should know what preexisting problems these horses have.

You know, H.R. 1754 is not going to accomplish everything we need. We need crop rules that demonstrate the industry's commitment to humane treatment of horses, and it has got to be the same from jurisdiction to jurisdiction. You can't have different jurisdictions all having different rules.

And for these horses that we love, we need after-care policies that ensure homes and second careers for all Thoroughbreds.

And I think in order to come up with a comprehensive bill, the industry has been

working very hard. And I am opposed to Federal legislation. I don't think Federal legislation should be in our business. And Mr. De Francis is right, for 20 years, I have said we need to be like a real sports league. We need to be like the NFL, the NBA, Major League Baseball. We need a commissioner who is empowered, and he is right, that is the key word: empowered. But we haven't been able to accomplish that.

And although I have been opposed to Federal legislation, I want to be part of the solution, not part of the problem in preventing this. So I have worked hard with my colleagues on the NTRA special committee to come up with comprehensive solutions for you, and these are complicated. We have addressed issues such as potential constitutional challenges to the bill. I am sure all of you are familiar with the 6-year process I just lived through on sports betting in this country, where the Supreme Court finally overturned PASPA and held it unconstitutional. There will be a challenge to this bill. The funding is misguided.

There are racetracks that pay a lot of money to make horses safe, to make the track safe, to do drug testing, and at the end of the day, I think that what you need to understand is there are many segments of our industry that pay nothing to contribute to this. You have ADWs, you have OTWs.

And I know my time is up. I am just going to mention one thing. It starts when these horses are born. You need to look at the medications they are getting as young horses. We had a problem with biophosphates, which finally we understood that these make the horses weak and their bones are frail. So we addressed those.

Yes, I am finished. Thank you very much.

[The prepared statement of Mr. Drazin follows:]

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Ms. Schakowsky. Thank you very much.

So we have concluded witness opening statements. At this time, we will move to member questions. Each member will have 5 minutes to question our witnesses. That is a total, question and response. And I will start by recognizing myself for 5 minutes. I do have a number of questions, so I hope that the responses can be concise.

Racehorses in the United States are injured at a much higher rate than the rest of the horseracing world, resulting in nearly 500 horse deaths in the United States every year. One of the keys in stopping injuries and deaths is establishing standards for drug policy.

So, Mr. Irby, many say the use of medication on race day contributes to the injuries that we are seeing. Would you see fewer -- would we see fewer horse injuries if race day use of medicine were banned?

Mr. Irby. Yes, Chair Schakowsky, I do believe that we would. The death rate in the U.S. is 2-1/2 times greater than that of the rest of the world. And they do not allow the use of medication on race day. So we are at the bottom of the barrel, along with Canada, in that aspect.

Ms. Schakowsky. So why does a 24-hour period in a race really matter?

Mr. Irby. Well, I think that is more of a scientific question. I am not sure that I could fully answer that, but I would say that there are horses that are trained on some drugs and raced on some other drugs. I think that leaves time for those drugs to leave their system, for the most part.

Ms. Schakowsky. Mr. Lear, horseracing is governed by 38 different racing jurisdictions which can each adopt their own drug policy. Is this current approach working?

Mr. Lear. Not at all. Not at all. And it is not just an issue of different rules, different investigations; the whole things that I went through. It is how they adopt the changes they make. Some of them do it by statute, as Florida. Some of them do it by lengthy State regulatory processes, as is the norm in California. Others do it in different ways. So it ends up being a complete patchwork that is never going to be this -- even if the uniformity were achieved, it would be ephemeral, because the next change would have to go through the same gauntlet of different processes.

Ms. Schakowsky. And for you again, the bill also establishes third-party enforcement for creating and implementing an industrywide anti-doping program. Why is a new organization needed?

Mr. Lear. It is needed because the existing system is so fragmented that it can't speak with one voice and act uniformly. In the areas that this bill addresses, it would replace the existing multiplicity of systems with one system, and that system would be able to act in the way that I suggested.

Ms. Schakowsky. Thank you.

And, Mr. Irby, the bill aims to set a uniform list of substances and treatments that are allowed and those that are prohibited on race day. How will this help to protect our horses?

Mr. Irby. Well, I think that will help the -- the bill would provide flexibility in the regulations that would come forward that would enable issues related to horses that actually do require certain medications under certain circumstances.

Ms. Schakowsky. And, Mr. Irby, why is uniformity across the United States necessary?

Mr. Irby. Well, it is necessary because there are 38 or so racing jurisdictions now with a different set of rules, a multitude of different regulations, and it is a patchwork.



So trainers that might have an infraction in one State may go on suspension and, particularly in the Northeast, where there are so many States that are close together, they can just pack up and go to another State and race horses at a different track in another State and don't really serve that much of a consequence for their actions.

Ms. Schakowsky. Got it. Mr. Irby, the Horseracing Integrity Act would apply protections to the major breeds of racehorses in the United States. That would include Thoroughbreds and Standardbreds and Quarter Horses. Why is it so important to ensure all of these major breeds are protected?

Mr. Irby. Well, I think all horses are, first and foremost, equally important no matter what breed they are and where they are racing and what type of racing, but there are also a multitude of different types of racing that occur at the same track or several tracks at the same location. There may be Thoroughbred or Quarter Horse racing where there is also harness racing. So you want uniformity across those tracks across the U.S.

Ms. Schakowsky. I thank you, and I yield back.

And the chair recognizes Mrs. Rodgers, subcommittee ranking member, for 5 minutes to ask questions.

Mrs. Rodgers. Thank you, Madam Chair. And thank you everyone for being here today.

Mr. Martin, would you explain the current regulatory framework that governs horseracing and how H.R. 1754 will impact it?

Mr. Martin. I thank you for the question. Let me -- in addressing this, I am sitting here in shock as to the lack of depth of knowledge as to what is currently going on. There have been a statement here about a trainer can get a violation and pack up and just go to the next State. That is not true. The regulatory jurisdictions that are members of the ARCI have agreed to reciprocity. So if they are suspended and

sanctioned in one State, it carries over to the next State. If you are excluded in New York, you are not allowed to participate in New Jersey, Pennsylvania, State of Washington; doesn't matter.

There has also been statements with regard to the extent which horses are running with pain-masking medications. We conduct an extensive drug-testing program. The numbers are in my written statement. If that statement were true, we would be seeing it. Our clear rate -- because we test for that -- our clear rate is comparable to the clear rate in the WADA labs worldwide, as well as the USADA lab.

Do people do that? Yes, they do. And we do detect them. But our clear rate, of all the labs worldwide, in any sport, is about 99.4 or -5 percent, depending on the sport. And while we do see a lot of overages of therapeutic medications, it is a small percentage of all of the horses that are tested.

RPTR GIORDANO

EDTR HOFSTAD

[11:30 a.m.]

Mr. Martin. But to create that as the image of what is going on is inaccurate to the facts that are there.

Mrs. Rodgers. I have a couple more questions.

Mr. Martin. I am sorry.

Mrs. Rodgers. If we can -- yep. Yep. Okay? So do you want to just talk about how you believe 1754 will impact the current regulatory framework?

Mr. Martin. I think it duplicates a framework that is already in existence. I think the goal of trying to get to uniformity is a very good goal. We believe there is substantial uniformity but not total uniformity with regard to --

Mrs. Rodgers. All right.

Mr. Martin. -- the testing in the labs.

Mrs. Rodgers. Okay.

Mr. Martin. The labs are accredited.

Mrs. Rodgers. Okay.

Mr. Martin. And we think you can achieve uniformity by adopting the ARCI model rules, which is the --

Mrs. Rodgers. Okay.

Mr. Martin. -- basis for everybody.

Mrs. Rodgers. Thank you. I am going to wrap it up there.

Mr. Lear, would you explain why you believe the Federal Government needs to create an independent entity to develop and administer an anti-doping and medication program for your sport?

Mr. Lear. Yes. We start from the fact that the current system is not working and is not protecting our horses. We agree that the rate of deaths and injuries is unacceptable. And having tried the other ways, once collaboratively within the industry in this program called NUMP, and having tried with an interstate compact, which is the other way we can lawfully work together, and those having failed, at the end of the day, this is our choice. There are --

Mrs. Rodgers. Thank you.

Mr. Lear. -- other examples of this type thing.

Mrs. Rodgers. Okay. Thank you.

Dr. Anderson, if enacted, H.R. 1754 would ban all medications from being administered 24 hours before a race, which includes Lasix.

Can you explain why Lasix is administered on race day? And, if banned, what alternative methods would be used to treat EIPH in horseraces?

Dr. Anderson. Well, currently, as you said, Lasix is given at approximately 4 hours prior to racing. It is a very controlled amount, meaning same dose. It is transparent in the programs; everybody knows it is going on.

But why would it -- the question was?

Mrs. Rodgers. Why is it administered on race day, and what would the alternative methods be?

Dr. Anderson. Well, as far as I can tell, there are no alternative methods other than managing the horse metabolically, which would be pulling the water in advance, this type of thing.

I think my best answer is to tell you how we have a number of horses come to the United States from Europe and other places where they are not able to manage EIPH using management techniques.

Mrs. Rodgers. Okay. Thank you.

A final question would just be: Are there any concerns about having the Federal Trade Commission oversee this type of program? Would anybody want to address that? Is there anyone on the panel that has concerns about the FTC overseeing -- okay.

Mr. Martin?

Mr. Martin. We have a problem with a Federal agency that really doesn't have any veterinary expertise being in the position of being the ultimate rule-maker.

And one of the -- I don't want to sound like a broken record -- one of the reasons why we are pressing for the incorporation of the ARCI model rules by reference is because they are the cumulative effect of a prolonged process involving veterinarians, researchers, scientists, affected constituencies in the industry, as well as independent regulators.

Mrs. Rodgers. Okay. Thank you very much.

My time has expired. I yield back. Thank you.

Ms. Schakowsky. The gentlelady yields back.

And I recognize Congresswoman Castor for 5 minutes.

Ms. Castor. Thank you, Madam Chair.

Thank you to all the witnesses for being here today.

Looking into this issue, I was surprised at how many of the fatal horse injuries are tied to a preexisting minor injury. I saw information from the California Horse Racing Board that 90 percent of fatal horse injuries are tied to minor preexisting injuries like microfractures in the bone. And then you think about the stress of this over-1,000-pound horse sprinting at 40 miles per hour. That would turn a minor injury into something that is catastrophic and ultimately lead to that horse's death.

That is why I think focusing on the pre-race detection and appropriate treatment

for these injuries will be so important. I know that medications are administered to ease discomfort and reduce inflammation and that these medications probably mask the injuries, and that makes that pre-race detection much more difficult.

I wonder, Mr. McCarron and Mr. De Francis, how prevalent is the use of pain medication in horseracing? And is that contributing to the high rate of deaths?

Mr. De Francis. The short answer to your question, Congresswoman, is, yes, it is very prevalent, and it is the major factor that contributes to the high rate of deaths.

The challenge that we face is that virtually every medication, by its very definition, has therapeutic qualities and has negative, health-endangering or performance-enhancing qualities.

Lasix is a great example. Lasix is very therapeutic for that small percentage of the horses that have a propensity, a genetic propensity, to suffer from exercise-induced pulmonary hemorrhaging, EIPH. And it is administered on those horses. It has the therapeutic effect of allowing them to race where they otherwise would not be able to do so.

The problem is that the number of horses that suffer from that malady is a small percentage of the overall racing population, yet virtually 100 percent of the horses race on it. Why? The other 94 percent that don't need it to solve EIPH are using it as a performance enhancer because it flushes 20 pounds of water weight out of their system and allows them to race with less weight and, thus, run faster.

The problem is you have 90-plus percentage of horses racing in a dehydrated state. You don't need to be a medical doctor to understand the negative impacts of that.

All of these issues -- the reason why USADA is so critical to this bill is not because of the medications and drugs that exist today but because of the medications and drugs

that are being developed right now, mostly in human labs for human applications that are then transmitted to equine applications, that mask pain, that have a whole variety of potentially therapeutic impacts but could also be used in a way that is very damaging and dangerous to the horse's health and safety.

It is a balancing test, a balancing act that needs to be done on a regular basis, on an ongoing basis into the future. There is no organization that is better qualified in the world to conduct that balancing than USADA. They have the greatest -- they are acknowledged worldwide as having the greatest repository of having scientific knowledge and expertise anywhere in the world.

Most importantly, despite the best intentions of racing commissions around the country in various States, the many racing commissioners are subject to the tug and pull of different kinds of conflicts. They are responsible for all other aspects of the sport. USADA is completely independent. They would have no conflicts whatsoever, no other motivations other than what is in the best interests of the health, welfare, and safety of the equine athlete.

Ms. Castor. Okay.

Mr. McCarron, do you agree with that?

Mr. McCarron. Yes, I certainly do.

And I have personal experience with Lasix. As a jockey, I had to work hard to watch my weight throughout my career, and there was a period of time when I resorted to taking Lasix on a daily basis. And I have to tell you how horrible it feels, trying to be an athlete and perform in a dehydrated fashion.

If I walk into the jockeys room and I get on the scale and I weigh 115 pounds stripped, I have to go get in the hot box and pull 3 or 4 pounds in order to be able to get my weight down to the weight that has been assigned for that horse to carry. And the

other measures are -- taking Lasix is another very -- laxatives are very -- they used to be prominent but not so much anymore. But it is very easy to pop a Lasix pill and go ahead and shed 3 or 4 pounds of water weight. And I will tell you what: It takes its toll on the rider towards the end of the day. You feel exhausted.

Ms. Castor. Thank you.

Ms. Schakowsky. And now I recognize the ranking member on the subcommittee, Mr. Walden, for 5 minutes.

Mr. Walden. Thank you very much, Madam Chair. And my apologies for not being here --

Ms. Schakowsky. Not on the subcommittee --

Mr. Walden. The full.

Ms. Schakowsky. On the full committee.

Mr. Walden. That is all right. We will take it. Thank you.

We had another hearing going on about wildfires and safety of the power lines and everything going on downstairs, so I have been at that one.

But I did want to come up here, because I wanted to extend a warm welcome to all of you for being here. Protecting the health of horses is important to all of us in this room, and we know it evokes pretty strong passions and that we all want to do what is right. We may have some disagreements on what that is, and that is what brings us here today.

And, you know, in my district, I have all of eastern Oregon. We have 50,000 people come to the great Pendleton Round-Up, one of the great rodeos of all time. You are all welcome, by the way. It is in September. We will see you there. But we also have small rodeos as well. And so the life and health of horses and all animals is part of our culture in eastern Oregon.



Last Congress, we had a similar hearing on similar legislation. Then, it was H.R. 2651, the Horseracing Integrity Act of 2017, and discussed many of the issues that you all have been discussing today.

Since that time, of course, tragically, we have lost 13 horses at Santa Anita. I understand that probably didn't have anything to do with Lasix necessarily, but, again, it is about the welfare of the horses. So we appreciate your input.

Mr. Lear, I have a couple of questions --

Mr. Lear. Yes.

Mr. Walden. -- that I would like to address to you.

Please address Mr. Drazin's concern -- and I heard it when I came in -- that the Horseracing Integrity Act, if passed, might face constitutional challenges. Do you believe this bill is constitutional? If so, why?

Mr. Lear. Yes, I do. And we worked -- I am a lawyer, but we --

Mr. Walden. I won't hold that against you.

Mr. Lear. That is perfectly fine. I am still recovering.

We involved some really sophisticated constitutional lawyers. We were aware of the PASPA litigation before it was decided. We took a hard look at this to make sure we didn't run afoul of anti-commandeering. We have tailored the bill not to run afoul of issues relating to delegation. We have continued to follow the Supreme Court positions on various of the issues, and we are confident that it would withstand a constitutional challenge.

Mr. Walden. All right. And, of course, none of us would know until it goes to court and the judges rule, but we appreciate -- I wanted to make sure you had a chance to respond.

And I would also like you to respond to Mr. Martin's argument that the bill does

not address the gaping hole that he cited, namely horses not under the jurisdiction of a government agency. Would H.R. 1754 solve that, in your opinion?

Mr. Lear. In some ways, it would, because it would have the ability to look back at horses coming into racing.

Bisphosphonates is an example of a medication that has recently come to light and gotten a lot of attention. I will say that there are entities within the industry that reacted very quickly to that. The Thoroughbred sales companies -- one of my other hats is as a trustee of Keeneland, and we moved very quickly to adopt standards that would allow the testing for bisphosphonates at the sale. And we sell as early as yearlings -- I mean, as weanlings, which is even before their first year, which it takes it very far back. You can reject if it is a positive test.

And, by the way, one thing I want to say about that: If the rest of the industry cooperated like the sales companies do in having the same rules of the game, we probably wouldn't be sitting here today.

Mr. Walden. Right.

And I have been told the cost of implementing H.R. 1754 would require the Standardbred horseracing industry and the Thoroughbred horseracing industry to pay unequal amounts. And I wondered if you could speak to that.

Mr. Lear. I am not sure about the source of that information. The way in which all of our estimates of cost have been put together is to look at the total number of starts, the total number of horses, and what is currently being spent today. So, in our estimates, we have blended it together --

Mr. Walden. All right.

Mr. Lear. -- and I have not heard that particular criticism.

Mr. Walden. That takes care of that one.

Dr. Anderson, thank you for being here.

In your testimony, you mentioned the therapeutic-use exemption allows an athlete in the Olympics to compete in competition under the influence of an otherwise banned performance-enhancing substance. So my question is: If this bill were enacted, all medications, including therapeutic drugs, would be banned. So as a veterinarian, is that concerning? Is that something we should be concerned about?

Dr. Anderson. That is concerning, although my understanding is that the bill would accommodate for appropriate withdrawal periods. However, I think that -- I would like to just address some of the statements here which are regarding Lasix, for example.

Mr. Walden. Uh-huh.

Dr. Anderson. That has no scientific evidence as being detrimental to a horse's welfare, and I think that we confuse sometimes that medication with illicit doping.

Mr. Walden. All right. Thank you for that.

Madam Chair, thanks for your courtesy. My time is expired. I yield back.

Ms. Schakowsky. Thank you.

And I now yield to Congresswoman Kelly for 5 minutes for questions.

Ms. Kelly. Thank you, Madam Chair. And thank you to all of the witnesses.

Mr. Martin, I want to go back to the Los Angeles County District Office's recently concluded investigation. What do you think those investigations tell us about medication overall in the horning industry -- horseracing industry?

Mr. Martin. One of the things that -- the reason why we are proposing that the horses be tracked from the minute they are registered and the veterinary records be deposited with either a government agency or an NGO on a national basis is because we need to understand what is going on with those horses. And I think what -- the district

attorney's investigation pretty much reaffirmed the concern that we have as an organization.

Drugs in society play a necessary role. They keep us healthy. They make us healthy when we are sick, but they can be abused just as they are in humans. We feel -- and with all due respect to my friend, Mr. Lear, who talked about what is in the bill, we feel we need to have that information. When those horses show up under the jurisdiction of the regulatory agency, the regulatory vet can pull up their entire medical record, that those horses have been flagged if they have had any kind of condition throughout their career.

Just as if any one of us were diagnosed with cancer -- my wife is a cancer survivor. When she was diagnosed 20 years ago, they followed her very closely, and that is what we need to do to these horses.

Ms. Kelly. And they made several recommendations to improve safety and reduce fatalities. I am assuming you agree with these safety concerns. And are there more recommendations that you would recommend? And have these concerns been adopted across the -- or these suggestions been adopted across the country?

Mr. Martin. I would need to review that and answer that for the record.

Ms. Kelly. Okay. And in addition to the issues around the use of medication, do you think improving protocols for identifying preexisting conditions and track maintenance would improve overall safety for horses and jockeys?

Mr. Martin. Absolutely, Congresswoman.

Ms. Kelly. And to our retired jockey, do you feel there is more that we can do to make the industry safer for jockeys?

Mr. McCarron. Oh, yes, I certainly do. I think that, if I had my way, it would be just hay, oats, and water. Simply put, I think an athlete that does not have a say-so in

what medications are administered cannot protect itself. I think that -- I think horses' careers would last longer if they trained and raised on nothing but hay, oats, and water.

I joined WHOA as a member on May 19 of 2014, and I firmly believe that a trainer, if he has got enough knowledge, enough talent to train horses, should have the ability to get the job done without any medication, other than when a horse -- obviously other than when a horse becomes ill. You certainly need to take the measures to protect the horse's health that way.

But as far as their legs are concerned, they are going across the ground at 40 miles an hour carrying anywhere from 900 to 1,200 pounds, and if something is amiss -- it was stated earlier that preexisting conditions include microfractures. Well, those microfractures become real fractures when a beast of that size is getting across the ground so quickly carrying 120 pounds on its back. They are very susceptible to injury already, and if they have anything that is preexisting whatsoever, it will come out; that is for sure.

Ms. Kelly. Mr. Irby, did you want to comment on that?

Mr. Irby. I think that no athlete, as Mr. McCarron said, that does not have a choice in the matter should be given drugs, like our human athletes do. It is about the health and the safety and the welfare of the horse, and if they are in pain, they can't tell you they are in pain necessarily. They don't have the ability to speak to us, so, really and truly, there is no way to actually know, when you are giving a horse certain medications, if it is actually causing pain or alleviating the pain.

Ms. Kelly. And, Mr. McCarron, I was asking about -- I note the horse is healthy and safe, then that leads to the jockey. But anything we should be doing for the jockeys, any regulations that should be different for your health and safety beside the horse?

Mr. McCarron. Well, as Mr. Drazin had mentioned earlier, I am interested in

how the regulations and rules are going to apply to the use of the crop. That has nothing to do with the horse's health, but as far as measures to further protect the jockeys, the key is running sound horses and riding sound horses. That is the key.

Ms. Kelly. Thank you so much. And thanks to all the witnesses. And I yield back.

Ms. Schakowsky. Mr. Carter, you are recognized for 5 minutes for questions.

Mr. Carter. Thank you, Madam Chair, and thank all of you for being here. It is certainly an important subject.

Dr. Anderson, I want to start with you, and I want to ask you: Is furosemide -- I know it is used to treat exercise-induced pulmonary hemorrhaging. Is it used for any other reasons?

Let me ask you this: Is it administered for any other reason aside from that?

Dr. Anderson. No, it is not.

Mr. Carter. So that is the only reason it is administered?

Dr. Anderson. Yeah, only reason.

Mr. Carter. It does have other effects.

Dr. Anderson. It has a diuretic effect, and that would be the only effect.

Mr. Carter. Okay. And what kind -- does that give a horse an advantage of any type, a diuretic effect? I mean, if a horse loses 20 to 30 pounds after the administration of -- I am a pharmacist, so I am familiar with furosemide, and I know what it does, and I know that it is used to treat edema, used to treat hypertension, and that you remove fluid from the body, which makes it --

Dr. Anderson. That would typically --

Mr. Carter. -- easier for the blood to flow.

Dr. Anderson. That would typically be given for a scenario where you actually

had pathology in place. So these are horses that are -- they are only treated with Lasix on race day. Those pathologies are not in place because they have had their pre-race exam, et cetera.

But I do think that the important thing to know is there is no science that is reliable that relates EIPH -- or the treatment of furosemide to performance enhancing. It allows them to perform to their ability because it removes the -- well, it doesn't remove; it ameliorates the EIPH syndrome.

Mr. Carter. If you take 20 to 30 pounds of fluid off of a horse, can they run faster?

Dr. Anderson. I don't know the answer to that, and I'm not sure that anybody does. In humans, that is correct, but, for example, where I practice, we ship to seven different States on any given day, and those horses are all going to be losing weight just shipping.

Mr. Carter. Doctor, I am --

Dr. Anderson. Now, that's not --

Mr. Carter. -- not a veterinarian --

Dr. Anderson. Right.

Mr. Carter. -- but common sense would tell me that, if you take 20 to 30 pounds off of an animal, they are going to perform --

Dr. Anderson. That is common sense, but that is not science, and that is all I am trying to speak from.

Mr. Carter. Okay. Okay. So when is furosemide administered typically?

Dr. Anderson. Four hours pre-race.

Mr. Carter. Is that allowed under the current system?

Dr. Anderson. Yes, it is. Yes, it is.

Mr. Carter. Is it allowed anywhere else outside of North America?

Dr. Anderson. Canada.

Mr. Carter. Which is North America.

Dr. Anderson. Sorry. Yes. I am Canadian too.

Mr. Carter. That is scientific, but, nevertheless -- I am sorry. Is the use of furosemide allowed anywhere outside of North America?

Dr. Anderson. Not on race day. It is used during training extensively overseas, and in any of those --

Mr. Carter. Why is that?

Dr. Anderson. You know, I think the thing to back up to is why do we use it. We use it to assist with protecting our horses from exercise-induced pulmonary hemorrhage, and I think one of the things that everybody recognizes is that Lasix, furosemide, has the ability to decrease the incidence of that during horses at high speed.

Mr. Carter. Okay. Mr. McCarron, thank you for being here. We are just delighted that you are here, and I am excited to have a Hall of Fame jockey here. But I want to ask you --

Mr. McCarron. Thank you, sir.

Mr. Carter. -- could this legislation that we are considering today, could it -- what would it mean for the safety of jockeys if we were to implement this?

Mr. McCarron. Nothing but purely sound horses would be competing.

And if I may just briefly address the can a horse run faster with 20 to 30 pounds less? Very often, or quite occasionally, a horse will drop the rider leaving the starting gate and get loose, and more often than not, that horse will run around the track and be in front because he is not carrying 120 pounds. So a diminished amount of weight in the horse will allow them to run faster, without question.



Mr. Carter. Hence, that is why we don't see any jockeys over 200 pounds, right?

Mr. McCarron. Right. Yes.

Mr. Carter. Okay. Okay. All right. I have got one last question, and this one is to you, Mr. Martin. I have sat here during this hearing, and I hear you say that, you know, the current system is fine and we don't -- and we may need to tweak it some. Why are we having all these horses dying if we don't need to implement something like this? I mean, it would be irresponsible for us to sit up here as Members of Congress and ignore the fact that we have had all these horses dying. Why are they dying?

Mr. Martin. Congressman, I am not here to say that the existing system is fine. In my opening statement and in my written statement, I basically called for a major expansion of the regulatory authority over horses that does not actually exist today, and I think that that is necessary to basically be able to track those horses, to keep the at-risk horses off the racetrack.

It is the preexisting conditions. It is the things that we don't know about that is causing these horses to die. And the more information you put in the hand of that regulatory veterinarian -- I was brought into the State of New Mexico for the attorney general who did an investigation about a jockey that had died crossing the finish line as the horse broke down at one of the Quarter Horse tracks.

And when I went through all the vet records, when I went through every piece of paper at the racing commission, at the racetrack, at the vet records, the thing that hit me is that this horse had conditions that nobody knew about. So if those vet records were centrally warehoused -- and I tell you, if that were my brother that died, I would have -- I am not even going to go there. But that is the hole in the regulatory scheme, and we need to talk about that.

Mr. Carter. Well, my time is up, and I am sorry it is up, because this is -- I will be

quite honest with you. I was really not looking forward to this, but as I sat through this hearing, this has been fascinating. We need to address this. This needs to be addressed.

Thank you, Madam Chair, and I yield back.

Ms. Schakowsky. The gentleman yields back.

Mr. Cardenas is recognized for 5 minutes.

Mr. Cardenas. Thank you, Chairwoman Schakowsky, and thank you for hosting this very important hearing.

Some of the folks in this whole process have a voice, and some of the participants in this process have no voice, and we need to do our best to be a voice for everyone to make some commonsense legislation.

I just want to point out so I don't forget, I just have a little side note. Apparently, 2-1/2 times -- there is a 2-1/2 times higher rate of racehorse deaths in the United States versus other parts of the country -- excuse me, the world. So, obviously, there is things that we can do better here in the United States that perhaps human beings, whether you call them regulators, legislators, kings, or whoever runs those countries, they seem to be focused a little bit better, more accurately on at least the livelihood of the horses and their safety more than we are here. So we have a lot of work to do in America.

The American Horse Council published a study in 2017 on the economic impact of horseracing, and in California, the horseracing industry reports over 10,000 direct jobs and adds over \$870 million in direct value to the State's economy. I am proud to have some of these equine-serving businesses in my district, but in recent decades, horseracing has struggled.

In 2002, apparently there was \$15 billion that was bet on Thoroughbred races in the United States, and in 2018, that fell down to about \$11 billion. In 2002, nearly

33,000 young horse -- racehorses were registered, and last year, that number fell to about 19,900.

This year alone, five horses have died at Santa Anita Racetrack, which is near my district in California. And according to an investigation by a task force created last year by the Los Angeles County District Attorney's Office, 56 horses have died from July 1, 2018, through November 30, 2019. And as a Member of Congress, I think I have a responsibility to represent all of my constituents, including those that do not have a voice, and make sure that we are making good, sound decisions and making sure that our society is working in the right vein for everyone involved.

Speaking as a former business owner myself, if you want the horseracing industry to survive and succeed, then we need to win back the trust of the people, and the industry must put the health of horses at the top of our priority list.

And I have a quick question for Mr. McCarron. What languages are likely spoken in the back stretch? They call it the back stretch, the people who work with the horses all day and the people behind the scenes?

Mr. McCarron. Yes, sir, we call it the back stretch -- back side, back stretch.

Mr. Cardenas. Is there more than one language spoken there often?

Mr. McCarron. It is predominantly Hispanic.

Mr. Cardenas. Yeah. So what languages do they tend to speak? Spanish?

Mr. McCarron. Yes.

Mr. Cardenas. Yeah. The reason why I ask that question is because I just want to show my respect to the invisible people in this industry, people who work really, really long hours, people who are true, true professionals, and I believe that every single one of them love, love these horses very much. I know that when my father -- when I saw him get on the horse later on in his life, he became a different person. It took him back to

the days when he grew up on a horse.

So much respect to the people who dedicate their time and energy to the well-being of these horses. They are not scientists, they don't have degrees, they don't speak from a point of science, but they sure as heck know what the heck they are doing, and I just want to throw my respect to them.

Mr. Drazin, to what extent have concerns about the safety of horseracing affects the sport's popularity? And do you agree -- I am sorry. Go ahead, Mr. Drazin.

Mr. Drazin. Certainly. This past year has been difficult for our industry. There were 35-plus breakdowns at Santa Anita Racetrack, in your backyard.

Mr. Cardenas. Uh-huh.

Mr. Drazin. And I am hear to tell you today that those breakdowns had nothing to do with Lasix, had nothing to do with medication. They had to do with the safety issues relative to Santa Anita Racetrack, and that is where they need to address this. PETA has had a big voice. And the problem in the past has been we in the industry knew that horses break down, hopefully less and less, but they do break down. But it has become a public relations nightmare with what has happened.

Mr. Cardenas. When you say breakdown, you mean they die?

Mr. Drazin. They die.

Mr. Cardenas. Okay.

Mr. Drazin. Some broke down --

Mr. Cardenas. I hope that when I break down, people don't refer to me as I broke down. I think, with all due respect, I think that plays down the fact of the matter is that we lost a life.

And my time is up, sir, so I yield back.

Mr. Drazin. Well, if I could summarize an answer.

Mr. Cardenas. It is up to the chair. I am sorry. It is up to the chair.

Mr. Drazin. May I answer the question?

Ms. Schakowsky. No. His time is up. That is how it works.

I am going to -- I am going to call on Mr. Soto and then Mr. Tonko, and then I am going to ask -- I will do it now -- unanimous consent to break the rules.

[Discussion off the record.]

Ms. Schakowsky. So I guess how we will do it, so that I am not totally delinquent but allowing you to speak, we will immediately reconvene a second panel, at which time the cosponsor of this legislation can speak. I ask unanimous consent to do that.

Hearing no objection, that is what we are going to do.

Okay. And so now, Mr. Soto.

Mr. Soto. Thank you, Madam Chair.

In preparation for this hearing, I was looking at the history of horseracing, and it is really amazing. Six thousand years of domestication, 4,500 years where we have had horseracing. I mean, that is a long time, and it shows the special relationship between humans and horses.

In Florida, it is really popular. Tampa Bay Downs, Hialeah, Gulf Stream, Pensacola, and there is even a horseracing culture in Ocala and Palm Beach in the State of Florida. In my own area, in central Florida, we have the Florida Cracker Horse, not known for its speed, but it does carry a lot of ranchers around and has its origin among the Spanish many years ago.

But we see advancing technology and advancing pharmaceuticals and different techniques that are a threat to the sport. We saw it before in baseball and in the Olympics, and now in horseracing. And I can't imagine how much the temptation is when it is such an expensive sport, when there is so much invested in these horses and so

much money at stake, but at the end of the day, people enjoy the sport because it is hard-fought, and it has to be fair, so that when we see someone cross the finish line, it means something; it is not just because they found some way to get around the rules.

I applaud both Representative Tonko and Representative Barr for putting forward a bipartisan bill to ensure the integrity of this popular sport that is real important to Floridians.

And I wanted to just ask the whole panel, each of you one by one: Do you think this bill will help restore integrity to the sport? If so, why? If not, then name one recommendation that would be -- should be considering.

And let's start with Mr. Irby.

Mr. Irby. Yes, I do think it would greatly improve the integrity of the sport, save equine lives. And if I could add one thing, it would be requirements about the reporting of the medical history of the horses.

Mr. Soto. Okay. Thank you.

Mr. Martin.

Mr. Martin. I don't think the bill as it is presently written is going to improve the integrity of the sport. What I think would improve the integrity of the sport were to take that nongovernmental organization, turn it into a multijurisdictional investigative situation to do out-of-competition testing as well as out-of-competition suitability exams, to do the reviews of horses that are red flagged because of their vet records and procedures, that maybe we need to know more about them.

Mr. Soto. Thank you.

Mr. Lear.

Mr. Lear. I think this will do a world to improve the integrity of the sport and the interest of people, and that the two things that most drive people away from our sport

are concerns about whether it is really fair and breakdowns. Nothing runs fans away from horseracing like the death of a horse.

Having been involved with the development of this bill with the two cosponsors, primary cosponsor from the start, it would be hard for me to say there is anything I particularly have left out at this point, but we have worked -- I will say this: We have worked with a lot of other people, including AAEP, the vets, and some others that are in opposition to the bill, trying to find common ground so that we can all pull in the same direction.

Mr. Soto. Thank you, Mr. Lear.

Dr. Anderson.

Dr. Anderson. I believe that it would improve the integrity from an anti-doping perspective. I do not think it would change very much on the therapeutic medication. And I think, if I was to add to this, it would be significant reforms in the area of safety, and I think it is totally lacking in safety oversight.

Mr. Soto. Thank you, Dr. Anderson.

Mr. De Francis.

Mr. De Francis. An unquestionable yes to your question, Congressman. It would undoubtedly improve the integrity of the sport, most importantly in the perception of our customers and in the perception of the general public, whose support we need in order to have a viable business.

Mr. Soto. Thanks.

And, Mr. McCarron, thanks for appearing today, by the way, and for your opinion --

Mr. McCarron. Thank you. You are very welcome.

Yes, I certainly do feel it would definitely improve the integrity.

Back in 2003, I was hired as general manager at Santa Anita Park. I did that. I was in that position for about a year and a half. The number one complaint I had from patrons, I had them coming into my office on a daily basis saying that the integrity of the sport is just abysmal, that they are sick and tired of betting on races not knowing who the cheaters are, not knowing which horses are going to be coming out of barns that are not playing by the rules, and something drastic has to be done. And I believe -- I have a lot of faith in this bill, that it would accomplish just that.

Mr. Soto. Thank you.

And, Mr. Drazin.

Mr. Drazin. Thank you. This bill will not save racehorses. There will still be injuries. There will still be deaths. What it will do, I agree, is it will accomplish something in changing the public's perception of being able to promote that all horses are medication-free on race day. And I think that may restore some public confidence.

But I think, in order to save horses, what I would like to see changed is that we incorporate amendments that deal with racetrack safety accreditation of your horses, preexisting injuries, detection of horses that have problems on race day. In Monmouth Park, New Jersey, a State vet examines every horse every day that they are going to race. We need uniformity throughout the country, you know, in order to protect these horses.

Mr. Soto. Thank you. And my time has expired.

Ms. Schakowsky. Thank you.

Mr. Veasey, welcome, and you are recognized for 5 minutes.

Mr. Veasey. Thank you. Thank you, Madam Chair.

I wanted to talk with you about some of the safety concerns about -- with the jockeys and the horses. Is there any sort of correlation with certain tracks and lower purses as it relates to these safety concerns? Are we seeing more incidents of some of



the things that you all have been talking about today at tracks that don't have those higher purses versus tracks that may be more well organized that bring in more people where we see the purse is higher? Anybody?

Mr. Drazin. I think that is correct.

Mr. De Francis. Yes. The short answer to your question is yes.

Mr. Veasey. Yeah, it is.

Mr. Drazin. And I think there are tracks who don't go through the NTRA track safety accreditation. You know, if everybody did it, we would have a safer product. There are tracks that need to examine the horses, State vets looking at these horses before they get out there, and sharing medical records. If you claim a horse and that horse has been treated -- you can have a horse that you claim that had a fracture, had a plate and screws put in there; next guy doesn't know until he gets the horse. So we need to share these records from day one all the way through racing.

Mr. McCarron. And if I may, sir, there certainly is a correlation between lower purses and less opportunity for jockeys and for trainers. For instance, Sam Houston Race Park, the purses there are nowhere near what they are in New York or Florida or California, and the horses are of a much lower class. And I don't have any cold, hard facts in front of me to prove it, but I do believe that there is a correlation between lower purses, smaller tracks, and probably a higher rate of breakdown, which very often ends up in injury to the jockey.

Mr. Veasey. All right. Well, yeah, that is very concerning. I have a track in my district, in Grand Prairie, that since before I was in Congress, they have complained about, you know, the low purses at that track and how they have been, you know, bleeding clients for, you know, quite a long time. And, of course, you know, the jockeys and the horse people, they don't want to bring their -- the better horses there to those tracks, and

if that is causing a safety concern too as it relates to the jockeys and the horses, I think that is really bad.

Do you think that States that don't have gaming -- because a lot of lower purses have been tied to no gaming at these tracks. The people that I have talked to in the past have said that they would have higher purses if they had gaming also in conjunction with horseracing. Do you think that that makes a difference? Have you all seen the tracks that do actually have gaming? Are there better safety records at those tracks?

Mr. De Francis. Again, the short answer to your question --

Mr. Veasey. Yeah.

Mr. De Francis. -- Congressman, is yes. Ironically, I was actually part of the group back in the mid-1990s that was awarded a license to construct the racetrack that you now refer to in your home district in Grand Prairie, so I am very familiar with your district.

Mr. Veasey. Okay.

Mr. De Francis. Unfortunately, safety costs money. That is the hard reality. And the more money that is available, then the higher safety standards and better testing protocols and more effective enforcement you can have. It is really not too much more complicated than that.

Mr. Veasey. Right. Yeah.

Thank you very much, Madam Chair. I yield back.

Ms. Schakowsky. Yes.

And now I recognize Mr. Tonko, who has waived onto the committee and is a chief sponsor of this legislation.

Mr. Tonko. Thank you, Madam Chair.

Mr. Martin, in your testimony, you state that ARCI is in favor of uniformity but

prefer a voluntary approach.

And, similarly, Mr. Drazin, you support uniformity and a commissioner-like approach to the sport, and yet oppose the only piece of legislation that would make that happen.

And then, Dr. Anderson, you strongly support uniformity in your testimony as well.

So we are all, in theory, talking about the same goals, and yet each of you oppose just the very piece of legislation that would make this a reality instead of a tired talking point. So my question to any of you, and it is mostly a rhetorical one, is: When can we actually expect results from this scheme? We have received countless promises from the industry for decades, and yet here we are in 2020 with more than 40 deaths on the tracks in Santa Anita, further tarnishing the sport in the eyes of the American public.

When is enough enough? We have always had an open door, and I continue to be patient and open to working with you, as I believe my colleague, Representative Barr, has been, to incorporate feedback to the legislation, but the time for talk is done.

We have a plan before us that is an action plan that respects the equine athlete from a medications perspective. Other ripple effects will come from this to the good, and I say let's not stop at doing the good here. We need action, not more promises, which is why I am proud that this legislation is moving forward.

Dr. De Francis, I wanted to come back to address the Lasix question directly. I think your testimony provides the best perspective when it comes to how regulators should be evaluating the drug by using a cost-benefit analysis. Can you explain to the committee why the cost of continuing to allow race-day administration of Lasix vastly outweigh the benefits?

Mr. De Francis. I think the simple answer is, again, trying to conduct this balance. The benefit is that we are allowing a small percentage -- and the numbers vary,

but it is in the neighborhood of 6 percent -- of the horses that have a genetic predisposition to EIPH to be able to be therapeutically treated by Lasix, and, thus, race where they otherwise would not be able to. That is the benefit.

The cost is that the 94 percent of the horses that are not genetically prone to suffering from EIPH are using it purely as a performance enhancer to eliminate water weight and allow them to run faster because they are carrying less weight. Anyone that has ever engaged in any kind of athletic endeavor knows that, if you are dehydrated and you are running as fast as you can, it is going to have a whole host of negative health impacts on your body.

And that is the reason why every other jurisdiction in the world, outside of the United States and Canada -- the U.K., continental Europe, South Africa, the Middle East, Japan, Hong Kong, take your pick -- all prohibit the use of race-day Lasix, because in conducting that cost-benefit analysis, they have concluded that the scales tip very heavily in favor of not allowing it.

Mr. Tonko. Thank you, Mr. De Francis.

I have done a lot of work on the opioid crisis, and let me make an analogy to another drug as it relates to humans, that being the opioids. We all know that opioids are highly effective in addressing pain, but the cost-benefit analysis requires their judicious use because the cost to the individual and society are so high when opioids are inappropriately prescribed to people who simply don't need them.

Mr. De Francis, it seems that every other major racing jurisdiction in the world has done this same cost-benefit analysis with regard to race-day Lasix and decided to ban the drug on race day. How have these racing jurisdictions managed to thrive despite the use of race-day Lasix?

Mr. De Francis. I think probably the biggest single distinction between their

thriving without it and the way we race in America is we have a much higher percentage of races that are run on dirt in America than there are overseas, particularly in Europe and other parts of the world, and we race more often. There is a lot more -- there is just more racing in the United States than there is in foreign countries. And so that is the one reason why they have been able to succeed without using race-day medication.

I think the far more important issue, however, is -- and you referenced it earlier, Congressman. The problem generally of drugs and medications and their impact on horses' health and well-being has been brewing for years, almost like a growing tsunami. Now, the tsunami is about to crest and destroy us all. We have been fiddling while Rome has been smoldering. Now, Rome is engulfed in flames in an absolute inferno.

As I mentioned in my direct testimony, we are losing, at an increasing rate, the confidence of our basic customers. No business can survive long when that happens. You know, I have run a business for 20 years and had to make payroll. I know what -- you know, what you need to do. And when your customers -- Chris mentioned his time as general manager of Santa Anita. This crisis has now reached -- well, this problem has now reached crisis proportions. And we can't let -- I agree with many of the things that Mr. Martin and Mr. Drazin have said in terms of things that we can do to improve the horse health and safety, but let's not make the perfect the enemy of the good. We need to take action right away. Every day that we delay, we are losing more and more public support, more and more fans, more and more customers, and it is going to be that much more difficult to get them back.

Mr. Tonko. Well, let me thank all of the perspectives in this sport, in this industry, for your participation on the legislation. And I appreciate my colleague and friend, Representative Barr, for all the work that we have been able to do together with that input. So let's move forward with progress.

And, with that, Madam Chair, I yield back. And, again, thank you for the opportunity for the hearing.

Ms. Schakowsky. Thank you.

Well, we have the chairman of the full committee who is here, Mr. Pallone, who is now recognized for questions for 5 minutes.

The Chairman. Thank you, Madam Chair.

I said in my opening remarks that we can all agree that the safety of the sport and the health of the animals is most important, and to make the sport safer, we need to identify the factors contributing to horses breaking down. So my questions are of my friend, Mr. Drazin. Dennis, thanks for being here again.

In your written testimony, you state that there are areas of concern not addressed in this legislation that could improve the health and welfare of racehorses. I know you said a little bit about it, but what are those -- if you want to elaborate a little more on those areas of concern and to what extent they are contributing to racehorse injuries and fatalities specifically.

Mr. Drazin. Sure. So it starts -- I guess a good reference for me was I was chairman of the New Jersey Racing Commission. Racing was about to close down in New Jersey. Governor Christie at the time said either someone is going to take over the track, State is not going to run it, and I stepped off the Commission to do that.

So the first thing that I did when I came into Monmouth Park was I addressed track safety. I spent the money that was necessary to make sure that we had a professional crew that came in there, added dirt, added base, did whatever was necessary to ensure that these horses would race over a safe surface, and that worked. Monmouth has had a lower breakdown rate than Santa Anita, a lower breakdown rate than the national average.

But, frankly, I am not here to tell you it is okay with me if one horse breaks down. It is not. So you start with making your tracks safe. Then you have to make sure that medical records of these horses are shared, because a lot of these horses have preexisting conditions that the vets know about, the owners know about, but the next person down the line doesn't know about them. And when those horses are already compromised, you know, it creates a safety problem.

In my own life, you know, when my horses have a problem, I give them time. I get them healthy again. No horse runs better than a healthy horse that is sound. So that is the way I handle it. But the industry, you know, has people that have money, people that are struggling, so not everybody can do that.

Then you need to make sure that you address certifications of racetrack safety. So the NTRA, which is our national Thoroughbred Horsemen's Organization, has a committee that certifies racetracks for safety. Every track should be certified for safety. And I think when we talk about medications, we do things, you know, to react to issues that are going on, so we have third-party administration of Lasix.

The Chairman. Well, let me ask you about the medication, because we are going to run out of time, so I have kind of two questions --

Mr. Drazin. Sure.

The Chairman. -- so if I could put them into one.

You suggested that modifications to the current medication protocols and regulatory structure may not actually protect the health and welfare of the racehorses; it could actually harm them. So I wanted you to explain that.

But then, also, you stated that a uniform anti-doping and medication control program and standardized medication protocols is needed, and so I wanted to say how we can best go about creating such a program and protocol.

If you would try to answer both of those, because otherwise we are going to run out of time.

Mr. Drazin. Yeah. I think Federal legislation is the wrong way to go, but in response to what Congressman Tonko said before, we all want to accomplish the same thing, so we have been working very hard with the NTRA. There are about 30 of us that sit around the room, and we are compromising. We are going to come up with a more comprehensive bill that addresses all of these issues. I am frustrated too with it --

The Chairman. But specifically with regard to the ban on medication like Lasix, you used --

Mr. Drazin. Yes, sir. So Lasix is something that is therapeutic for horses. The AAEP says it is the only therapeutic treatment of horses that will help these horses. And I was around in days when New York did not permit Lasix. Lasix has slowly gained acceptance, if you go back a number of decades. And in New York, when you couldn't use Lasix and other jurisdictions used them, we had problems in New York, so they withdraw them from water a day before. They would muzzle them, so they wouldn't feed these horses, trying to accomplish the same weight loss.

They would cheat. They would give these horses medications, not race day, but the day before, things like Kentucky Red, things that they were experimenting with to see if they could hold the bleeding. And they are going to continue to do that.

If you ban Lasix, number one, my track, Monmouth Park, we probably won't survive. I don't think we will be able to get enough horses to participate, because probably 80 to 90 percent of our horses run on Lasix now.

We are not a jurisdiction that has a casino. I think New York gets \$250 million a year for their racing industry. Pennsylvania gets a similar number. New Jersey doesn't get that kind of money. So we rely upon the horses that come to us, and they compete.



And if you have a 5-horse field, because horses can't compete anymore because they can't compete unless they get Lasix, instead of a 10- or 12-horse field, you are going to lose revenues.

You are not going to be able to make ends meet, and then you are going to start rolling back on your other commitments that you have to your horses to make it safe there. You are not going to have money for dirt. You are not going to have money to work on the base.

I want to do what is right for horseracing, and I would pledge to all of you to continue to work with the NTRA and this special committee that we have to develop a more comprehensive plan.

I am frustrated by the delay. I agree with Congressman Tonko, it has taken too long. But we are at a crisis now. Because of what happened at Santa Anita, the whole focus of the industry is on saving horseracing, because we recognize we are heading in the wrong direction. And I think that if you give us -- I am going to go out on a limb and say another 6 months -- we will be able to come together with a consensus bill that would be better for the industry.

The Chairman. Thank you.

Thank you, Madam Chair.

Ms. Schakowsky. All right. Well, so that concludes our first panel. I want to thank all the witnesses who are here today. I think this was really an excellent conversation that we have had, and hopefully we will be able to move forward together.

And, at this time, I ask that staff prepare the witness table so that we may begin our second panel shortly.

And, once again, we are all appreciative of your thoughtful contributions to this conversation. Thank you.

Mr. Lear. Thank you.

Mr. De Francis. Thank you.

[Recess.]

RPTR MOLNAR

EDTR ZAMORA

[12:31 p.m.]

Ms. Schakowsky. Thank you.

I will now introduce the witness, the one witness, for our second panel, Congressman Andy Barr, who represents Kentucky's Sixth District -- Sixth Congressional District.

You are recognized for an opening statement for 5 minutes. As is our tradition, we will not be asking questions of a Member, but you are now recognized.

**STATEMENT OF THE HON. ANDY BARR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY**

Mr. Barr. Thank you, Chairwoman Schakowsky. Thank you for your leadership and holding this hearing. Thank you, Ranking Member Cathy McMorris Rodgers, for your leadership and holding this important hearing. And I want to thank my cosponsor and the author of this legislation, Paul Tonko, for his leadership in striving towards reform of the horse industry in a way that will advance the safety, the integrity, and the international competitiveness of the sport.

And as was indicated by the ranking member, I do have the privilege of representing the -- what is known as the horse capital of the world. My friend, Mr. Tonko, sometimes quibbles with that, because New York is such a great racing State, but this is a beautiful sport. It has a rich heritage and history, and it has, in addition to being part of the fabric of our culture in New York and Florida and Maryland and California and Kentucky and other great States, it is a massive economic impact to our

country and obviously to our States.

And we need to preserve the safety of the equine athletes, the human athletes involved, and the integrity of the sport, and the international competitiveness, both of our racing stock and our breeding stock, in order to continue to earn the public's confidence so that we can continue to have the jobs and economic activity that this rich sport and industry provides to so many of our constituents.

Let me just take the opportunity to -- I think the problem has been well laid out, the 38 different conflicting jurisdictions. Let me take the balance of my time to address some of the issues.

I think that some of the recommendations by some of our witnesses who oppose the legislation make sense. I think we should listen to those recommendations, including Mr. Martin's view that we need to bring more of these horses under government supervision. That is what our bill would do.

Mr. Drazin's point that we do have a public perception problem. He doesn't think that that this will prevent breakdowns because he is focused on track maintenance. Track maintenance is an issue, but it is not the only issue, and uneven medication rules is a part of it, and covering up and masking the pain of the horse is a true issue. This will reduce breakdowns.

I think sharing medical records, uniformity of track conditions, and maintenance standards makes sense. Certification of racetrack safety makes sense. The NTRA's special committees make a lot of sense, and they are doing good work. But this idea that Federal legislation is the wrong way to go, if you go back to The Jockey Club minutes, from the 1970s and the 1980s when they were discussing medication reform, they were saying back then that we don't need Federal legislation. The efforts to reform the industry by the industry itself, the efforts through interstate compacts have failed.

Mr. Lear pointed that out.

With respect to FTC oversight, I want to point out to the members considering this legislation that the architecture of this bill fully makes sure that we have industry representation, expertise that would go into the formulation and enforcement of the rules, especially and including veterinarians to inform the process. I would point out that the opponents of the legislation, Mr. Martin, Dr. Anderson, and Mr. Drazin, all indicated that they support uniformity, uniformity that has not been achieved in 40 to 50 years of trying without Congress.

I want to also point out something that has not been mentioned, and that is that handle drives the sport. We have seen a decline in handle, meaning that horse players and participants, wagers are losing interest in this sport. That is the lifeblood of this industry. It means bigger purses. We need to attract a new generation of fans that do have competition, in terms of the entertainment dollar out there. The decline in handle is an indication that we need reform, and if we can attract a new generation of fans, that will drive purses, and that will be the solution for Monmouth Park, not just putting our head in the sand on this.

International competitiveness. If you talk to participants in this sport in France and in the United Kingdom and in Dubai and in Japan and Australia, where they have no race-day medication, there is a reputation problem with our product. And coming from the breeding capital of the world where we sell yearlings, this reputational problem is a big deal. And international competitiveness can be repaired and the sales can be repaired internationally if we have additional integrity.

Finally, on the issue of Lasix, which admittedly is a controversial topic, you know, Dr. Anderson indicated that there was only one therapeutic indication for Lasix or Salix, and that is EIPH. If you go to any major track in America today, if you were just a casual

fan, and you open up the daily racing form, it is pretty apparent that 90 percent or more of those entrants are on Lasix. I can tell you that 90 percent of those horses are not suffering from EIPH. So if the only therapeutic indication is EIPH, why are all the other competitors on Lasix? Four-hour administration is not necessarily required, but there is a scientific debate about that.

But the fact of the matter is, we heard the testimony from the rider expert here, that obviously a lower-weight horse has a performance-enhancement advantage. And so why do trainers authorize third-party administration of Lasix to horses that don't have the problem? It is because it is performance enhancing.

Thank you for the opportunity to participate, and I yield back.

[The prepared statement of Mr. Barr follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Ms. Schakowsky. The gentleman yields back. Thank you very much.

And now without -- I request unanimous consent to enter the following testimony into the record.

Mrs. Rodgers. Oh, yes.

Ms. Schakowsky. Without objection, so ordered.

A letter of support from Tom V. David, DVM. A letter from Samantha Smith, The Jockey Club. A letter from the New York Racing Association. A letter from Arthur Gray. A letter from -- what is it? -- Keeneland Association, Inc. A letter from the Humane Society Veterinary Medicine Association. A letter from the U.S. Harness Racing Alumni Association. A letter from 50 horse trainers. A letter from the Homes for Horses Coalition. A statement by Representative Andy Barr. A letter from Arthur Hancock, Stone Farm president. A letter from the former chairman of the Association of Racing Commissioners International. A letter from the former president of the American Association of Equine Practitioners. A letter from Nancy L. McLean, University of Edinburgh Equine Association. A letter from R. Anthony Chamblin, supporting -- sporting member -- no -- supporting member of the Water Hay Oats Alliance -- Water Hay Oats Alliance. A letter from governor and Mrs. Steven B. Besh -- Beshear of Kentucky. A letter from Sid Gustaf -- Gustafson, doctor of veterinary medicine. A letter from Barry Irwin, Team Valor International. A lot of interest in this.

A letter from Staci Hancock of the Water Hay Oats Alliance, managing member. A letter from Matt F. Uliano, right, or Iuliano, executive vice president and executive director of The Jockey Club. A letter from Stewart Janney, chairman of The Jockey Club. A list of the current 38 pari-mutuel racing jurisdictions. A letter from the West Point -- from the West Point Thoroughbreds. A letter from Travis T. Tygart, CEO of the

U.S. Anti-Doping Agency. A letter from Vinnie Viola of St. Elias Stables, LLC. A letter from Dr. A. Gary Lavin. A letter from Dr. Douglas Daniels. A letter from Keith Crouper. A letter from the Equine Health and Welfare Alliance. A letter from the National Horsemen's Benevolent and Protective Association. A letter from the Iowa Horsemen's Benevolent and Protection Association, David McShane. A letter from the Iowa Horsemen's Benevolent and Protection Association, John Moss. A letter from the Horsemen's of West Virginia. Letter and documents from Dr. Thomas Tobin. A letter from the North American Association of Racetrack Veterinarians. A letter from the Washington National Horsemen's Benevolent and Protection Association. A letter from the American Quarter Horse Association. A letter from the Kentucky Horsemen's Benevolent and Protection Association. And finally, a letter from the Animal Welfare Institute.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



Ms. Schakowsky. And now I would like to thank our witness and the previous witnesses for their participation in today's hearing.

I remind members that pursuant to committee rules they have 10 business days to submit additional questions for the record to be answered by the witnesses who have appeared. I ask each witness to respond as promptly as possible to any question that you may receive.

And at this time, the subcommittee is adjourned.

[Whereupon, at 12:43 p.m., the subcommittee was adjourned.]