

## **Response to Additional Questions for the Record**

### **Subcommittee on Consumer Protection and Commerce Hearing on “Legislation to Promote the Health and Safety of Racehorses” January 28, 2020**

**Mr. Marty Irby, Executive Director, Animal Wellness Action**

**February 28, 2020**

**The Honorable Jan Schakowsky (D-IL)**

1. The lack of nation-wide standards has had dangerous consequences for both horses and riders. But the patchwork of regulations has also led to an uneven enforcement of rules.

Mr. Irby, would you please provide further explanation regarding the variation of rules, regulations, and reciprocity of suspensions from state to state?

*There are two parts in answer to this question:*

- 1) *Trainers who break the rules are “barred” from a track or “suspended” in a state. These are entirely different things that I may not have articulated well in my remarks during the hearing. A trainer may be “barred” from a specific track by the track for infractions but may not necessarily be “suspended” in the state, and therefore able to compete at other tracks in the state while being “barred” from one.*
- 2) *While State Racing Commissions do honor suspensions from other states and generally have reciprocity, there have been instances where trainers have hired attorneys following infractions or violations in a state to negotiate for them to serve less severe penalties, and in some instances agree not to continue participating in horseracing in the state, if the state agrees to keep them in good standing. This would in turn allow them to compete in other states, avoiding reciprocity, and avoiding being suspended in other states.*

*A for instance:*

*State A suspends trainer X 60 days for a bad drug infraction. Trainer X then seeks to resume racing in State A. State A advises trainer X they are not inclined to restore him to good standing, tells him if does not seek license restoration to continue competing in State A, they will issue ruling advising he is restored to good standing, he can then use that letter in State B to resume training.*

2. As we have seen, the longer we delay federal action, the more horses are put at risk of serious injury or even death.

Mr. Irby, would you please provide any data on horseracing deaths at tracks in the U.S. that has been obtained since the date of the hearing (January 29, 2020)?

*There have been at least 14 documented deaths that have occurred in the U.S. during the past month since the hearing was held. Further data and articles on the deaths are presented below.*

**Articles on horseracing deaths that have occurred since January 28, 2020 hearing on the Horseracing Integrity Act, H.R. 1754:**

Arkansas Democrat  Gazette

## MARTY IRBY: Increasing odds for racehorses

*by Marty Irby*

*Special to the Democrat-Gazette | February 16, 2020*

For more than 100 years, Americans have enjoyed the sport of horseracing in the beautiful Arkansas enclave of Hot Springs. Established in 1904 and owned by the Oaklawn Jockey Club, the organizers at Oaklawn Racing and Gaming adhere to longstanding racing traditions like the Arkansas Derby, Rebel Stakes, King Cotton Stakes, and the Apple Blossom Handicap.

Not long after Republican state Representative Orso Cobb cast the tie-breaking vote to legalize pari-mutuel wagering in the state in 1929, the Arkansas Derby saw a horse named Holl Image claim the top prize in a purse of \$5,000.

As the decades passed, the Arkansas Derby and Oaklawn grew, and in 2004, celebrating its 100th anniversary, Oaklawn offered a \$5 million bonus to any 3-year-old horse that could make a clean sweep of its Rebel Stakes and the Arkansas Derby, then claim the coveted roses at the Kentucky Derby in Louisville—1,000 times that of its inaugural purse. The famed Smarty Jones claimed victory and cashed he \$5 million check.

And in 2015, American Pharoah, the first horse to claim the triple crown of thoroughbred racing in 37 years, began his sprint toward accolades at Oaklawn by claiming victory in both the Rebel Stakes and Arkansas Derby.

But today, American horseracing is in peril, with horses dying as a result of catastrophic falls at alarming rates across the country. Nearly every major media outlet in America has covered the 42 racehorse deaths that have occurred at Santa Anita Park since December 2018, and other tracks around the U.S., primarily due to the rampant doping and abuse of medication plaguing the sport.

Oaklawn has managed to escape that scrutiny for the past few years until recently, when a 4-year-old named Spirogyra was euthanized due to catastrophic injuries—a tragic end to this majestic horse's ninth race.

American horseracing is addicted to drugs, and it's time for an intervention. No different than in humans, drugging horses can easily lead to death. But there is hope, with growing support for the Horseracing Integrity Act, H.R. 1754/S. 1820 introduced by U.S. Reps. Paul Tonko (D-N.Y.), who represents Saratoga Springs, one of the most prominent horseracing districts in the U.S., and Andy Barr (R-Ky.), who hails from Lexington, the "Horse Capitol of the World."

Along with U.S. Sens. Martha McSally (R-Ariz.), and Kirsten Gillibrand (D-N.Y.), they've been working tirelessly to advance the bill; the U.S. House held a hearing recently where I provided testimony in support of the legislation. This landmark measure is backed by a broad base of industry players which range from the Jockey Club, The Stronach Group, The New York Racing Association, The Breeders' Cup, Keeneland, and countless trainers, owners, and breeders invested in American horseracing.

Horseracing operates under an outdated, state-based, balkanized patchwork of medication rules that creates confusion and risk for owners and trainers and contains gaps in rules and enforcement. The Horseracing Integrity Act

would greatly improve regulatory standards, ban the use of all medications on race day, and level the playing field for everyone invested in horse racing. It would designate the U.S. Anti-Doping Agency (USADA), a private non-governmental agency, as the independent organization that would oversee and administer all drug testing in U.S. horseracing.

A few U.S. Representatives from Arkansas have been open to discussing the bill, but not one single member of the state's congressional delegation supports it, and it's become a stumbling block for the bill. Oaklawn's lack of support for the Horseracing Integrity Act is not only giving the track a black eye, but it's elevating awareness about Spirogyra's death in Arkansas to the national stage.

If horseracing is to survive in the state, and not go the way of greyhound racing that Southland Park Gaming and Racing in West Memphis announced last year would end in 2022, then the Oaklawn Jockey Club and the members of Congress that represent the Razorback State should get on board with the Horseracing Integrity Act, help save lives, and bring integrity back to the sport.

*Marty Irby is a former eight-time world champion equestrian rider and the executive director at Animal Wellness Action in Washington, D.C.*



## Horse dies after race at Louisiana Downs

By [Charles Quigley](#)

Feb 16, 2020



BOSSIER CITY, La. - A horse was euthanized after it stumbled during a race at Louisiana Downs Saturday.

Harrah's Louisiana Downs sent KTBS 3 a statement regarding the horse's death.

"We remain committed to the health and safety of our equine families and jockeys. A loss under these circumstances is unfortunate. We will continue to work closely with the Louisiana Racing Commission and veterinary staff on these matters," according to the statement.

According to Equibase records, the 3-year-old quarter horse, PRS The Game Changer, was euthanized after the race.

This is the third horse death at Louisiana Downs since the start of 2020.

Marty Irby, the executive director of Animal Wellness Action, an animal rights watchdog and policy group in Washington D.C, spoke to KTBS Sunday about the horse's death.

"This is the third this year. There have been numerous deaths over the past few years, but to have three in a five to six week period is a lot," Irby said.

Irby said the three horses that died this year had a drug in their systems to help that helps horses run faster.

"One thing I noticed was that all three horses who died at the track used a drug called lasix, which is a diuretic. They are identified in the database and actually in the program at the track. (They) receive the medication that will cause the horse to urinate off water weight ahead of the race that will cause them to run faster. Over time if you give a horse lasix over and over again it can cause the skeletal structure to deteriorate and become more fragile and brittle that can lead to fractures. Trainers sometimes add pain masking agents to cover up the pain that the horse is feeling so they can run anyway. A lot of times that's what happened when they break their leg," Irby said."

Irby cited [HorseracingWrongs.org](http://HorseracingWrongs.org) that reports this is the 36th horse death at the track since 2017. Irby states via the website, that Louisiana Downs had 5 deaths in 2019, 9 deaths in 2018 and 19 deaths in 2017.

Irby also cited The Daily Racing Form that reported a thoroughbred also died Saturday at the New Orleans Fair Grounds Race Course.

Irby says the horse racing community is seeing an increase in horse deaths across the nation.



### [Horse death reported at Oaklawn Park](#)

By [Max Brantley](#)

February 17, 2020 | 12:55 pm

Thoroughbred Daily News reports that Taraz, a three-year-old filly, was euthanized today after a training accident at **Oaklawn Park** in Hot Springs.

The horse fractured her left pastern in a workout, the publication reported.

The news was circulated to Arkansas media by **Marty Irby**, executive director of **Animal Wellness Action**, which is pressing Oaklawn and Arkansas congressmen to join support for proposed federal legislation aimed at standardizing rules on medicating horses, including a ban on race-day medication.

A statement distributed by Irby's organization also said that another horse at Oaklawn, **Devil's Drama**, was "vanned off" from the track Saturday. The organization said it was unable to get more information about the horse. The statement said the horse had been using Lasix, a drug that can cause bone loss and contribute to fractures.



[A third horse is euthanized at Louisiana Downs in two months](#)

[TOP STORIES](#)

by: [Zyneria Byrd](#)

Posted: Feb 17, 2020 / 06:18 PM CST / Updated: Feb 17, 2020 / 06:18 PM CST

BOSSIER CITY, La (KTAL/KMSS) – Caesars Entertainment responds to a horse being put down this past Saturday at Louisiana Downs, the third in two months.

The company is working with veterinarians and the Louisiana racing commission, saying quote “we remain committed to the health and safety of our equine families and jockeys. A loss under these circumstances is unfortunate.”

“Animal Wellness Action” in Washington D.C. says the three-year-old racehorse stumbled and was euthanized.

The executive director blames the overuse of certain drugs.



[Click here to watch the video](#)

“It’s unfortunate that these deaths have occurred, it’s become more and more common the deaths have been ramped. The horse was running on Lasix which is a legal drug but most horses I would say nine out of ten run on Lasix, Lasix has become some sort of a crutch in U.S. for American horse racing. It’s a dietetic that causes the horses to shed water weight,” said Marty Irby, executive director of Animal Wellness Action.

Our local louisiana racing commission representative had no comment.



## [Diminishing returns on doping horses](#)

by [Karen Martin](#) | Today at 1:45 a.m.



Karen Martin

A horse had to be euthanized at Oaklawn last Sunday.

Four-year-old Spirogyra, an entry in the fourth race that day, had suffered catastrophic injuries, according to the Daily Racing Form.

It happened on a beautiful springlike afternoon at the famed Hot Springs racing and gaming facility, where a manageable number of visitors—couples on dates, parents with excited little kids running around, many still wearing their Sunday-best (velveteen dresses and hair bows), and grizzled railbirds patiently working their way, stubby pencil in hand, through a low-key program of claiming races (in which the horses are all for

sale for more or less the same price) and maiden races (in which the competitors have yet to win a race).

Most of the day's races were six furlongs (a furlong is 1/8 mile), with the starting gate at the distant side of the track from the grandstand. Nothing spectacular going on; it was simply a pleasant day to be outside, enjoying the sight of these beautiful animals circling a fast track in the afternoon sun.

It was not apparent to hardly anyone in the stands at the end of the fourth race that Spirogyra had been hurt. They were likely too busy drinking beer (\$6 for 20-ounce Michelob Ultra draft), eating corned-beef sandwiches (corned beef and rye bread; simple and satisfying, \$7), and comparing notes on who to bet on in the next race. Spirogyra's euthanizing follows the recent racing deaths of two 2-year-old horses at the quarter horse meet that opened Jan. 2 in Bossier City, La., at Harrah's Louisiana Downs and others at New Orleans' Fair Grounds Race Course.

According to the Shreveport Times, horse deaths have become more common at tracks in recent years. The Jockey Club's Equine Injury Database reports that 10 horses a week on average died at American racetracks in 2018. Thirty-seven horses died at Santa Anita in Arcadia, Calif., in 2019. That track already has its first death of 2020. This needs to change.

Last month, Congress held a hearing on HR 1754, the Horseracing Integrity Act, that would end doping and help stop the alarming incidence of deaths afflicting American horse racing.

HR 1754, led by U.S. Reps. Paul Tonko (D-N.Y.), Andy Barr (R-Ky.), and Sens. Kirsten Gillibrand (D-N.Y.), and Martha McSally (R-Ariz.)—which has 226 House co-sponsors and 25 Senate co-sponsors—would advance an effort to protect American race horses through the establishment of a national, uniform standard for drugs and medication in horse racing.

It would also grant drug rulemaking, testing, and enforcement oversight to a private nonprofit self-regulatory independent organization overseen by the United States Anti-Doping Agency (USADA), which administers the Olympic anti-doping program, at no cost to taxpayers.

Here's what Marty Irby, a lifelong horseman and executive director of Washington, D.C.-based Animal Wellness Action—an animal protection group advocating for the bill—has to say about the situation:

“It's become quite clear that American horseracing is addicted to drugs, and it's time for an intervention. Our modern-day society will no longer tolerate the deaths of these iconic American equines for a two-dollar bet; this isn't Ancient Rome, it's 2020.

“It’s unfortunate that the entire Arkansas Congressional Delegation has failed to support the Horseracing Integrity Act, and effort for reform. If the Horseracing Integrity Act fails to soon pass, then horse racing in Arkansas could very well end up just like greyhound racing.”

The Arkansas congressional delegation, he continues, “should step up and support the Horseracing Integrity Act to stop this abuse and these senseless deaths.”

In recent years, Americans have become increasingly sensitive to the welfare of animals that entertain us. Ringling Bros. and Barnum & Bailey Circus is just the largest of the traveling circuses that have ceased to employ animals. In 2019, Southland Gaming announced it would end greyhound racing in West Memphis by the end of 2022.

I’ve loved horses since I was a little girl begging my parents to take me to any and all carnivals with shaggy ponies plodding in a circle. Then, when I was in elementary school, I moved up to riding lessons at a day camp in Strongsville, Ohio (Camp Robin, which charged \$30 per kid for 10 Saturday afternoons of one-hour riding lessons, an hour of swimming in a murky little lake, and an hour of crafts, mostly gluing macaroni in goofy designs on little sheets of cardboard; it disappeared long ago, replaced by an interstate).

By extension, I became a fan of horse racing, occasionally visiting Cleveland’s thoroughbred track Thistledown and harness racing venue Northfield Park. When I moved to Arkansas, my new friends here told me all about Oaklawn, and I still recall my first visit there when people dressed up and we didn’t dare head from Little Rock to Hot Springs at noon on a Saturday because the traffic was so heavy. Betting has never interested me; I simply liked to watch the horses. Still do.

Sure, drugs were used to improve equine performances in those decades-ago days. But horses weren’t dying at the rate they are now.

I’m not in favor of banning horse racing. But just as we police human athletes in order to keep them from trying to gain advantages over competitors by using drugs, it would seem like HR 1754 would help reduce the far too common use of stimulants and painkillers with no consideration of the effect of such drugs and medications on the animals forced to use them.

At least human athletes have a choice.

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*Print Headline: Diminishing returns on doping horses*

# Animal rights group calls for rules on care of racehorses

BY **Leslie Newell Peacock**

February 4, 2020 | 11:20 am



After a 4-year-old racehorse named Spirogyra broke down on the track at Oaklawn Racing Casino Resort on Sunday and had to be euthanized, [Animal Wellness Action](#) is urging Arkansas's congressmen to support a bill to reform the care of racehorses.

Spirogyra, running in the fourth race, a six-furlong claiming race, broke down at the half-mile pole along the rail, throwing his jockey, Fernando De La Cruz. The veterinarian at the track determined that Spirogyra's injuries and pain were so severe that he needed to be put down.

Animal Wellness Action, which is lobbying Congress for passage of the [Horseracing Integrity Act](#), which would establish a national standard for

the use of drugs and medication in horseracing and give drug rulemaking, testing and enforcement oversight to a private nonprofit regulatory agency overseen by the government. The act is sponsored by two Democrats, U.S. Rep. Paul Tonko and Sen. Kirsten Gillibrand of New York, and two Republicans, U.S. Rep. Andy Barr of Kentucky and Martha McSally of Arizona. No member of Arkansas's delegation has signed on.

Marty Irby, executive director of Animal Wellness Action, blames racetrack deaths on doping:

"American horseracing is addicted to drugs, and it's time for an intervention. Our modern-day society will no longer tolerate the deaths of these iconic American equines for a two-dollar bet — this isn't Ancient Rome, it's 2020.

"It's unfortunate that the entire Arkansas Congressional Delegation has failed to support the Horseracing Integrity Act, and effort for reform. If the Horseracing Integrity Act fails to soon pass, then horseracing in Arkansas could very well end up just like greyhound racing."

Southland Casino in West Memphis is phasing out its greyhound racing with the passage of the state's law allowing sports betting.

Oaklawn maintains it has strict doping rules.



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**Steve Bittenbender** - February 17, 2020

## **High-Profile Filly Taraz Suffers Fatal Injury During Workout at Oaklawn**

In a sport that had more than its fair share of tragedies in the past 14 months, horse racing suffered yet another one on Monday when Taraz, a promising 3-year-old filly, was put down at Oaklawn Racing Casino Resort.



Taraz, seen here racing earlier this month at Oaklawn Racing Casino Resort, was euthanized on Monday after suffering a catastrophic injury while training at the Arkansas track. (Image: Coady Photography/Oaklawn)

According to *Bloodhorse.com*, the young horse suffered a severe fracture in her front left lower leg during a workout at the Arkansas track. Oaklawn's attending veterinarian consulted with an equine surgeon as well as Juddmonte Farms, owner of Taraz, and Brad Cox, her trainer as x-rays were taken at the track's barn.

The severity of the injury indicated surgery would not be feasible, the web site reported, and the horse was euthanized.

Unbeaten in three starts, Taraz was quickly being considered a leading candidate for the Kentucky Oaks or to perhaps even run against the colts in the [Kentucky Derby](#). She won the Martha Washington Stakes on Feb. 1 at Oaklawn by nearly four lengths. It was her first race featuring two turns, a key test for young horses to determine if they're able to race in major races like the Derby and Oaks.

All of her victories came by a combined 22.5 lengths.

Her connections were pointing her toward the Grade III Honeybee Stakes, an Oaks prep, on March 7 for her next race.

## Death Renews Call for Legislation

Taraz is the highest-profile horse to die since Mongolian Groom was put down after the gelding pulled up before the end of the Grade I Breeders' Cup Classic back in November at Santa Anita Park.

Animal rights advocates and some racing stakeholders have used the mounting fatalities at Santa Anita as well as elsewhere across the US as a call for reforms in the sport. In recent months, racing commissions have held discussions about the jockeys' use of riding crops during races as well as bans on race-day medications.

Some of those proponents also push the [Horseracing Integrity Act](#), a bill before Congress which calls for nationalized standards in racing and an independent body to test horses for drugs.

*It's quite clear: American horseracing is addicted to drugs, and it's time for an intervention," said Marty Irby, executive director for Animal Wellness Action and a supporter of the bill, in a statement to Casino.org. "Congress must soon pass the Horseracing Integrity Act that will stop medication abuse and prevent deaths, or horseracing may very well go the way of greyhound racing in Arkansas."*

Racing charts show that Taraz, like every horse she faced in her three career starts, raced on Lasix. Proponents of the drug say helps horses from experiencing pulmonary bleeding after races, and refute claims that the drug can mask injuries.

It is not known whether Taraz had any drugs in her system at the time of the incident Monday or even if they might have played a role in the filly's injury.

### Tracks Already Enacting Lasix Bans

Several racetrack owners, including Santa Anita owner The Stronach Group, the New York Racing Association, and Churchill Downs Inc., have already taken action to ban race-day Lasix applications for all 2-year-olds starting this year. It would put the US on par with most other racing markets around the world that ban the use of the drug on race days.

Next year, that ban would also apply to all horses running in graded stakes races.

### **Additional data on horseracing deaths that have occurred since January 29, 2020 hearing on Horseracing Integrity Act, H.R. 1754:**

Source: [www.HorseracingWrongs.org](http://www.HorseracingWrongs.org)

<https://horseracingwrongs.org/killed-2020/>

yet-to-be-named, Jan 30, Belmont T – “shaft fracture...euthanized on the track”  
Spirogyra, Feb 2, Oaklawn R – “euthanized due to catastrophic injuries”

Data Hawk, Feb 7, Golden Gate S – “accident – skull”  
Stay Again, Feb 7, Gulfstream R – “collapsed”  
Birdies Honor, Feb 8, Laurel R – “collapsed”  
Double Touch, Feb 8, Santa Anita T – “sudden death” (five years old)  
Miss Romania, Feb 12, Santa Anita T – “shoulder”  
El Tristan, Feb 14, Fair Grounds R  
Classic Covey, Feb 15, Fair Grounds R – “all the soft tissue structures came apart”  
Major Flirt, Feb 15, Laurel R – “pulled up lame...euthanized”  
Prs the Game Changer, Feb 15, Louisiana R – “stumbled start...euthanized”  
Taraz, Feb 17, Oaklawn T – “severely fractured her pastern”  
Unveiled, Feb 20, Santa Anita T – “shoulder”  
Radio Tim, Feb 21, Los Alamitos R – “fractured fetlock”  
Street Machine, Feb 21, Los Alamitos R – “fractured fetlock”  
A Lonna At the Top, Feb 26, Golden Gate T – “sudden death”