

Testimony before the Subcommittee on Commerce, Manufacturing and Trade

“H.R. 2012 Bill to Improve the Integrity and Safety of Horseracing Act”

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Mr. Chairman, Ranking Member Schakowsky and Members of the Subcommittee, thank you for this opportunity to share my thoughts and experiences regarding the painful truth about drugging of racehorses, the current challenges with medication rules and the need for HR 2012 to reform drug use in U.S. racing.

My name is Jesse M. Overton. In 2007, I was appointed by Governor Tim Pawlenty to a 6 year term on the Minnesota Racing Commission, with the last two and half years of my service during the tenure of Governor Mark Dayton. While I no longer serve in an official capacity, my experience serving as a racing commissioner makes me a strong supporter of H.R. 2012.

The mission of the Minnesota Racing Commission is to protect the participants in the sport of horse racing, including horses, riders or drivers, owners, and fans, from harm that can occur through negligence or deliberate mistreatment of horses. This includes compliance with state and federal guidelines regarding equine transport and infectious diseases, protecting horses from abuse and neglect, preventing the use of illegal medications, minimizing race related injuries and accidents to horses as well as riders and drivers, and ensuring consistent equine performances.

Minnesota, like every racing jurisdiction in North America is faced with multiple challenges, not least of which is the establishment and enforcement of uniform regulations in racing.

Specifically, it was my role as a racing commissioner to work towards a reduction in the number of medication violations through better testing and serious enforcement protocols. During my tenure, the Commission established stricter medication rules and employed a modern drug

testing lab. The results are gratifying as the number of violations has dropped dramatically to a 99.5% compliance rate.

I am proud of the improvements made in Minnesota, but my state's rules don't affect rules or enforcement in the other 37 states which are often different or in conflict with Minnesota's rules. Trainers and owners frequently race their horses in multiple states, so keeping up with various drug requirements and withdrawal times is a daunting task. And with winning as the overarching goal, some trainers race in states with more lenient medication rules. In fact, Minnesota's stricter medication and enforcement rules resulted in some horsemen electing not to return to Minnesota when we improved our medication testing.

It is my strong belief that if integrity is not the fundamental underpinning of horseracing as both a sport and a gaming operation, it is destined for failure. Horseracing involves the government, gaming operators, racetrack owners and horsemen. Racehorse owners and veterinarians are supporting players. In my experience, some of these industry groups challenge the integrity of the sport. They will say there are few or no problems either with the use of drugs or with the enforcement against those who do not comply with the regulations. This is simply not true. There is an inherent problem with a model consisting of 38 separate regulatory entities and many industry interest groups all believing they're in charge. The fact is, there is little coordination among racing commissions and industry groups at the state and interstate level. And with so many 'cooks in the kitchen', there is confusion, conflicts and chaos in medication regulation. This is a perfect environment for those who can't keep up with the rules or those who choose to improperly or illegally medicate horses to take advantage of the disorganization.

As a racing commissioner, I was stunned by the lengths some trainers will go to win races. As you will hear from other witnesses, there is no drug or compound that has not been tried in horses, from EPO and anabolic steroids to frog juice and cobra venom. And I promise there are chemists right now working up new, illegal, undetectable substances to give a trainer who wants a performance advantage, especially if he doesn't have the fastest horse. Unless drug testing is conducted uniformly and in state-of-the-art laboratories, unscrupulous horsemen will continue to cheat the system, the horses and the fans.

I have attended many meetings of racing consortia and regulators to find a common regulatory paradigm within which all racing jurisdictions must comply, but as long as there are 38 separate jurisdictions, this goal is impossible to attain despite decades of sincere people's best efforts. While multiple states have adopted racing compacts to align medication requirements, the fact is, the enforcement of these compacts will vary from state to state as no single entity has authority to enforce in more than one state. The approaches vary; the outcome is the same. Unlike other professional sports, like football and baseball, there is no central authority; no consistency in lab capabilities; no uniform penalties; no dedicated funding to increase lab testing nor conduct research to catch the next magic potion illegally administered to horses.

HR 2012 and the new authority it would provide, through the U.S Anti-Doping Agency (USADA) would establish a single drug-testing body. By virtue of strong, consistent, enforceable regulations, it would eliminate cheating. By dedicating a fraction of 1% of the dollars wagered on racing to fund the testing and the research, trainers will be allowed to

operate with one set of regulations to follow. Unscrupulous trainers will be penalized heavily and the most unsavory will be driven out of the game.

Through enactment of HR 2012, all racing commissions would work in cooperation with USADA to strengthen clean competition policies and provide uniformity in medication testing. HR 2010 would:

- Put an end to race day medication;
- Set a harmonized medication policy framework for all races with interstate simulcast wagering;
- Ensure that the administration of racehorse drugs comply with veterinary ethics.

In closing, the adoption of H.R. 2012 will ensure uniform rules of medication usage, testing, security and enforcement by all industry participants. By virtue of strong, consistent, enforceable regulations, it would eliminate cheating. By dedicating a fraction of 1% of the dollars wagered on racing to fund the testing and the research, trainers will be allowed to operate with one set of regulations instead of 38. Unscrupulous trainers will be penalized heavily and the most unsavory will be driven out of the game. And it will unite the industry stakeholders in their efforts to reduce the injury rate of horses and win back the public's confidence in the exciting and beautiful sport.

Thank you, Mr. Chairman and members of the subcommittee.

Key References

- Minnesota Racing Commission Annual Report 2010, 2011 and 2012
- Commission Veterinarian's Report Dr. Lynn Hovda, DVM 2011 and 2012
- 61st Annual Round Table Conference On matters Pertaining to Racing 2013
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- Integrity of Racing Faces Challenges Kevin Murphy ORI, International 2013
- A History of Drugs in Racing. May 3, 2013
- Racing Medication & Testing Consortium (RMTC) Rules 2013
- World Rules for Equine Drug testing and Therapeutic Medication Regulation 2012
Policy of the National
- Horsemen's Benevolent and Protective Association, Inc. Thomas Tobin, Kimberly Brewer, and Kent H. Stirling
- New York Supreme Court Decision August 18, 2011
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