



June 16, 2018

STATEMENT OF THOROUGHbred HORSEMEN'S ASSOCIATIONS, INC. REGARDING H.R. 2651

The horseracing and breeding industry in the United States is a state-sanctioned and state-regulated business that has been a major source of jobs, revenue and open space for states and local communities for more than a century.

The organizations listed below, who oppose the Horseracing Integrity Act of 2017 (H.R. 2651), represent horse owners, trainers, breeders, regulators, veterinarians, breed registry and rule-making bodies who participate in racing in all 32 horseracing jurisdictions in the United States and who are governed Our horsemen's organizations represent tens of thousands of horsemen who collectively have the largest capital investment in the industry, employ tens of thousands of backstretch workers and support thousands of small businesses who play a vital support role in the industry in the 32 racing jurisdictions in this country and who are governed by independent state regulatory bodies charged by state law with tightly regulating the business of racing for the protection of the health, welfare and safety of the horse and rider, the integrity of the sport, and the betting public.

We join with more than 55 national, state, local and industry stakeholder organizations, including the Association of Racing Commissioners International (the national organization representing independent state racing commissions); the American Association of Equine Practitioners and North American Association of Racetrack Veterinarians (the principal organizations representing the equine veterinary community); the American Quarter Horse Association (the governing body of Quarter Horse racing in the United States); the United States Trotting Association (the breed registry and governing body for standardbred racing in the United States) and numerous other racing and breeding organizations in strong and unified opposition to H.R. 2651.

This bill is not in the best interests of the racing industry and is an ill-conceived effort by certain special interests to impose their minority and special-interest views on the regulation of our industry. We have deep reservations about the provisions contained in this proposal because of its potential adverse impact on animal welfare and the economics of the industry.

H.R. 2651 purports to create a system for the uniform regulation and use of medication in the racing industry, but such a system already exists and it works well. Performance-enhancing drugs are not allowed or tolerated in horse racing. There is total uniformity on this issue IN EVERY

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RACING JURISDICTION, and racing has rules, policies, and laboratory testing that are superior to any sport or business in the world.

Each of the opposing organizations and their constituent members have been involved for decades in working collectively to create and implement uniform policies to safeguard against doping and to protect the health, safety and welfare of the horse and the rider.

We strongly support the existing mechanism by which policies are formulated and embodied in the Model Rules of Racing established by the Association of Racing Commissioners International. These policies form the basis of the regulatory scheme currently in place, made after thoughtful deliberation and dialogue that includes input from an important array of organizations, including the Racing Medication and Testing Consortium, which serves as the industry's scientific and policy arm. As a demonstration of the ongoing efforts to improve our current system, the racing industry is in the process of adopting changes nationally in four areas identified as in need of improvement—distinguishing routine therapeutic medications from prohibited substances which should not be present in the racehorse on race day, the administration of furosemide under the direction of the state racing commissions so that veterinarians do not have access to horses in to race on race day, the accreditation of our testing laboratories pursuant to the strictest accreditation code in ours or any sport—the RMTC Code of Standards for Laboratories, and a multiple medication violation penalty system that operates similar to state motor vehicle systems by attaching points for violations and mandatory additional penalties for repeat offenders. We have attached maps of the progress of these improvements throughout the country in just the past 3 years since their recommended implementation.

H.R. 2651 seeks to replace the current state regulatory system with one controlled by the federal government, with governance placed in the hands of a private group of hand-picked uninformed and unqualified individuals who know little to nothing about the racing industry or the health and welfare of the horse. The bill, which is most likely unconstitutional on its face (a previous version of the Horse Racing Integrity Act from 2015, H.R. 3084, was deemed to be such by the independent Congressional Research Service (see attached Memorandum dated October 27, 2015), and more particularly in light of the recent Supreme Court decision in *Murphy v National Collegiate Athletic Association*), will mire the industry in years of litigation. It strips the states of their ability to control their state legalized and regulated industries, contains an unfunded mandate that gives unfettered taxing authority to a private, federally appointed private group with no accountability rather than the states, deprives horsemen of current due process protections and throws them into the federal judicial system, and threatens the economic well-being of the industry, the best interests of the health and welfare of the horse and rider. It should be noted that lotteries, casino gaming and now sports betting, like horse racing, are state-approved and sanctioned businesses that are regulated by the states and not the federal government.

Couched as an attempt at getting nationwide uniformity on the use and regulation of therapeutic medication in racing, H.R. 2651 is actually nothing more than a smokescreen for the proponent's true purpose - the elimination of a safe, effective, necessary and tightly-regulated medication (furosemide) that is given on race day to protect horses from bleeding in the respiratory tract. This has been a widely accepted 30-year equine welfare policy to mitigate or prevent the effects

of a condition recently elevated in severity to a chronic disease in race horses by the American College of Veterinary Internal Medicine.

The current industry policy, which endorses use of this medication because it is in the best interests of the health and welfare of the horse and the betting public until an alternate and effective therapy is developed, enjoys broad industry consensus and scientific support. The true purpose of H.R. 2651 is not medication uniformity, which the industry does quite well notwithstanding that it is a state sanctioned and state-regulated business. Rather, it is an effort by the proponents to do an end-run around the state regulated racing industry in the United States and state regulators, who have unanimously determined that the administration of furosemide to horses on race day is in the best interests of the health and welfare of the horse, to impose by federal intervention the desire of a minority of special interests on an industry that collectively is, and has been, overwhelmingly opposed to their views, to end the practice. Should there be any doubt about the motives of the proponent organizations to impose their will on an industry that opposes them, they have enlisted the support of animal rights groups such as the Humane Society, who make inflammatory and wildly irresponsible claims that the administration of furosemide to horses on race day is tantamount to doping, notwithstanding that there is absolutely no scientific evidence to support their view. Indeed, the science is to the contrary. For the racing industry, it is all about the health, welfare and safety of the horse and rider and protection of the betting public.

Finally, H.R. 2651 would create a massive and completely unnecessary new level of federal bureaucracy on top of an existing state regulatory structure that has been in place for more than 100 years. We are especially alarmed by the provisions in H.R. 2651 that would allow this newly created federal bureaucracy to impose UNLIMITED NEW TAXES on our industry, particularly horse owners, without any checks or balances.

Our mandate, which drives everything we do in this industry, is to protect the health and welfare of the horse, the integrity of our sport, the fairness of competition and the best interests of the betting public. We are laser focused on these core principles. H.R. 2651 does not meet these standards.

The below industry stakeholder organizations, who are involved in the daily regulation of our sport and who are committed to the industry's mandate, oppose H.R. 2651. **We cannot emphasize enough that the racing industry—Thoroughbred, Standardbred and Quarter Horse—is united in opposition to H.R. 2651.** It is further telling that both the American Horse Council and the National Thoroughbred Racing Association, the racing industry's 2 principal federal lobbying organizations, are and have been silent on H.R. 2651, signifying the divisiveness of this legislation and its polarizing effect within the industry.

Thoroughbred Owners of California

National Horsemen's Benevolent and Protective Association, including the following affiliates:

- Alabama HBPA
- Arizona HBPA
- Arkansas HBPA

- Canadian National HBPA
- Charles Town (West Virginia) HBPA
- Colorado Horsemen’s Association
- Finger Lakes (New York) HBPA
- Florida HBPA
- Indiana HBPA
- Iowa HBPA
- Illinois HBPA
- Kentucky HBPA
- Louisiana HBPA
- Michigan HBPA
- Minnesota HBPA
- Mountaineer (West Virginia) HBPA
- Nebraska HBPA
- New England HBPA
- Ohio HBPA
- Oregon HBPA
- Pennsylvania HBPA

- Tampa Bay Downs (Florida) HBPA
- Thoroughbred Racing Association
of Oklahoma
- Washington HBPA

California Thoroughbred Trainers Association

Thoroughbred Horsemen’s Association and its affiliates:

- Delaware THA
- Illinois THA
- Maryland THA
- New Jersey THA
- New York THA
- Pennsylvania THA

Harness Horsemen International and its affiliates:

- Cloverleaf (Maryland) SOA
- Delaware SOA
- HHA of New England
- Illinois HHA
- Indiana Standardbred Assn.
- Kentucky HHA
- Maine HHA
- Meadows (Pennsylvania) SOA
- Michigan HHA

- Minnesota Harness Racing
- Ohio HHA
- Ontario HHA
- Pennsylvania HHA
- SBOA of New Jersey
- Western New England HHA

Association of Racing Commissioners International

United States Trotting Association

American Quarter Horse Association

American Association of Equine Practitioners

National Association of Racetrack Veterinarians

Alan M. Foreman

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Attachments