

Congress of the United States
Washington, DC 20510

April 29, 2010

Mr. Ogden Mills Phipps
Chairman
The Jockey Club
40 East 52nd Street
New York, NY 10022

Dear Mr. Phipps:

As the first Saturday in May approaches, many Americans look forward to the 136th annual running of the Kentucky Derby, the world's most prestigious horse race.

In recent years, the Sport of Kings has experienced dramatic breakdowns that shocked the public. The filly Eight Belles was euthanized on the track shortly after finishing second in the 2008 Kentucky Derby and breaking down in an otherwise routine gallop. In the 2006 Preakness Stakes, Barbaro suffered a catastrophic breakdown which eventually led to his death from laminitis. In addition to the thousands of horses that die on the tracks, jockeys continue to face significant danger.

Although breakdowns have always been a risk of the sport, these public incidents prompted a broader discussion of problems that have long plagued the horse racing industry. Questionable commercial breeding practices, performance enhancing drugs, and race-day medications all seem to have increased the risk of injury to both horse and jockey. Such high profile breakdowns, and Barbaro's injury in particular, may not be directly related to these longstanding problems in the sport. Nevertheless, they did spark justifiable scrutiny of practices that critics have long maintained are harmful to horses, jockeys, and the integrity of the sport.

The Senate Committee on Commerce, Science and Transportation Committee and the House Committee on Energy and Commerce have primary jurisdiction over interstate commercial practices, including those for sports and gambling. Furthermore, the Committees have jurisdiction over the Interstate Horseracing Act (IHA), which allows simulcast wagering across state lines--a unique benefit to the horse racing industry that other gambling enterprises do not enjoy. Given the benefits of the IHA, we as members of these Committees expect the horse racing industry to not only protect the safety and welfare of its animals and jockeys, but also ensure the integrity of the sport.

Unlike every other major professional sport, horse racing lacks a governing body or "league" that is capable of imposing mandatory regulations for universal compliance. Horse racing, like boxing, is instead regulated at the state level by state racing commissions, which results in tracks

around the country operating under different policies and rules. This lack of central governance thus complicates efforts to root out cheating, deter illegal drug-use, and ensure safe racing conditions.

This year, for example, the California Horse Racing Board imposed a fine of just \$25,000 and only a ten day suspension after a leading trainer's Grade 1 winning filly tested positive for the class 3 drug procaine. The same trainer was previously suspended for 45 days by the New York Racing Association in 2004 for a violation involving the nerve-blocking agent mepivacaine, a class 2 drug. In spite of this dubious track record, this trainer may enter up to four horses in the upcoming Kentucky Derby. This is just one of many examples of trainers who seemingly suffer minimal consequences for repeated medication violations. Such high profile examples lead one to question whether the horse racing industry is capable or willing to rid itself of performance enhancing drugs and illegal race-day medications.

In June of 2008, the House Committee on Energy and Commerce held a hearing that examined threats to the integrity and safety of horse racing. At this hearing, both the National Thoroughbred Racing Association (NTRA) and the Jockey Club testified that the horse racing industry was capable of regulating itself and was in fact moving to adopt necessary reforms related to the use of performance enhancing drugs. The NTRA and Jockey Club made these assertions despite knowing the fractious nature of the industry and the opposition of various stakeholders to certain reforms.

At the time of the hearing, the Jockey Club's Thoroughbred Safety Committee announced a series of recommendations for the racing industry to adopt that would improve the safety and welfare of thoroughbred racehorses. These recommendations included: (1) a ban on the use of anabolic steroids; (2) the use of riding crops approved by the Racing Commissioners International (RCI); (3) a ban on fitting "toe grabs" on horses; (4) standards for drug testing and laboratories; (5) the adoption of uniform penalties for drug violations; (6) full participation by tracks, training facilities, and licensees in an injury database; and (7) a ban on and testing procedures for the practice of supra-physiologic alkalization, also known as "milkshaking."

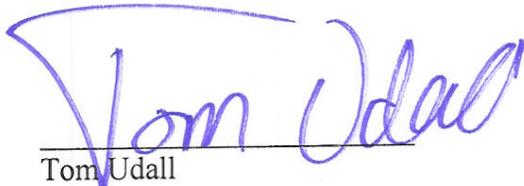
It has been nearly two years since the Thoroughbred Safety Committee announced these recommendations. We therefore request your responses to following questions about the current state of horse racing in the United States.

1. How many racing jurisdictions and/or racetracks have adopted, in part or in full, the recommendations of the Thoroughbred Safety Committee listed above? Please provide a list of these racing jurisdictions and racetracks.
2. Since Congress last examined concerns with breeding practices and the use of performance enhancing drugs and race-day medication, what has your organization--and the horse racing industry as a whole--done to improve the safety and welfare of racehorses and their jockeys?
3. How is the horse racing industry currently working to promote jockey safety and to protect riders from the danger of racing unsound horses whose problems are masked by performance enhancing drugs and/or race day medication?

4. Are existing penalties for medication and performance-enhancing drug use adequate to prevent owners, trainers, and veterinarians from endangering horses, their riders, and the overall integrity of the sport?
5. Is there sufficient enforcement by state agencies and racing commissions to prevent the use of performance-enhancing drugs and other drug abuse in the horse racing industry?
6. How many racing jurisdictions have adopted a transparent data base setting out the number of breakdowns, jockey injuries, and the cause of the accident? Please provide a list of these racing jurisdictions.
7. In 2009, how many starts were made in the U.S. alone? Out of those starts, how many thoroughbreds were either injured during the race or the race was a cause of their injury?
8. What percentage of those thoroughbreds injured were 24 months or younger in age?

Please provide your written response by Friday, May 14, 2010 via fax to the Office of Senator Tom Udall at (202) 228-3261 and the Office of Representative Ed Whitfield at (202) 225-3547. Should you have any questions, please contact Kevin Cummins with Senator Udall's staff at (202) 224-6621, or James Robertson with Representative Whitfield's staff at (202) 225-3115.

Sincerely,



Tom Udall
United States Senator



Ed Whitfield
United States Representative